

MINUTES
WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
October 24, 2016 at 6:00 P.M.

PLEDGE OF ALLEGIANCE : A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Jeff Valiant, Chairman, Terry Dayvolt, Vice-Chairman; Tina Baxter, Doris Horn, Mike Moesner, Jeff Willis and Mike Winge.

Also present were Morrie Doll, Attorney; Aaron Doll, Attorney; Sherri Rector, Executive Director; Sheila Lacer, Assistant Director; and Molly Barnhill, Staff.

MEMBERS ABSENT: none

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion made by Doris Horn and seconded by Mike Moesner, the Minutes of the last regular meeting held September 26, 2016, were approved as circulated. Jeff Valiant abstained.

Chairman: Due to the nature of the meeting tonight we are going to vary some of our Rules of Procedure. Those are available online if you would like to look at them, but one of the things we are going to waive are the time limitations. We want to give everybody the chance to talk and speak on their concerns for or against this project. With that said I do want to ask that as people are talking at the podium that everybody in the audience be cordial and courteous and allow them time to speak. We have a lot of information coming at us from both sides and we want the Board to be able to hear everybody and take in all concerns and issues we have at that time. We do want to ask that we curtail the repetitive comments. If you have a comment about a certain item, that is great we will mark it down and notate it but unless you have additional reasons that that issue is a concern, be it traffic or whatever, we just really need to limit...you can see how many people are here tonight and we want to give everybody that wants to talk tonight a chance to do that. If you are and you want your name on the record but you do not want to get up and talk there are sheets out in the hallway that you can sign and your name will be put on the record; that you are in attendance. The sheets are color coded green for and red against. Please sign the correct sheet and those will become part of the record at the end of the night. When you come up to speak at the podium there are sign in sheets there; you will need to sign in, print your name, again they are color coded green for, red against. Put your address and the proximity that you live to the project. That's estimating it; one mile away, two miles away, whatever it is that is part of our information gathering for all of this tonight. We have a guideline that we are going to follow. We are going to allow the applicant to present first, we are then going to ask the Board

for questions, we are then going to ask for remonstrators for the project to speak, and then we will roll into Mr. Long and the oppositions case and their presentation and then we will open the floor to other remonstrance against the project. After all that is done we will give the applicant time to rebut and answer any questions or concerns that were raised. Again, while people are talking please be courteous and let people talk. I will give you one warning if you speak up from the crowd but the second one you will probably be asked to leave and if it gets too crazy we can adjourn the meeting. I want to make sure everybody understands that. Based on the advisement from Counsel, when we get to the end of the night tonight, because it is going to be a long night, we are going to be here late I'm sure. We have a lot of information coming at us, that is what this is for, for everybody to get their voices and opinions out there, but at the end of the night I am going to ask for a motion to close the hearing and then to table the decision until next month. I want this Board to have ample time to review everything that is brought forth tonight. Whether it is for or against, I don't think any of us want to rush into a decision just like I think that either side does not want them to rush into a decision on something that is bringing up the concerns that this is so I do want to give the Board ample time to review that. I am going to turn it over to Mr. Doll. Do you have anything you need to talk about before we get started?

Attorney Doll: The remonstrators have filed two motions prior to the beginning of tonight's hearing. The first is a motion to dismiss the application of Prime Foods Holding Inc. The allegation is that it does not contain specifics addressing the questions required in our application. I read the motion; I've read the response and opposition to the motion. I have looked at the Ordinance, I've looked at the statute, and I've also looked for case decision and I can't find anything that gives us the authority or the responsibility to dismiss the case based on upon that allegation. So I would recommend at this point before we proceed with the hearing that the Board deal with the motion to dismiss, a motion to deny it, seconded and voted upon would be in order in my estimation as your counsel.

Chairman: Alright, anyone on the Board feel the need to make the motion as to the counsel's request?

Mike Winge: I'll make a motion that we deny it.

Terry Dayvolt: I will second that.

Chairman: There is a motion and a second to deny the motion that was brought forth. All in favor?

Unanimous aye.

Chairman: Opposed?

None.

Attorney Doll: The second is a motion to bifurcate the hearing, which means to divide it into two to force the applicants to go forward tonight, present all of their case and then for them to rest, then for us to adjourn and to give the remonstrators an additional month to prepare their

rebuttal case. I've looked at the citations or the recommendations in counsel's motion. I've looked at the memorandum in opposition, I've read several cases, and because this is not permitted in our rules, it's never been permitted, in fact our rules only allow for a motion to continue an application to be filed by the applicant. I also recommend that that be denied and that we go through the entire testimony tonight as late as it may be and at the end of the testimony a motion from the Board be made to close the record and then the record, the transcript, everything that is said in the room as the Board knows will be electronically recorded, if you are speaking in a microphone be aware you are being electronically recorded and the staff will then type that beginning tomorrow morning and it will take some time for that to be typed but then that will be disseminated to each member of the Board along with copies of all the exhibits for you to in fact digest in forming your opinion about your position in response to the application. If the record is closed then that terminates the record you cannot add additional information. So more letters supporting or opposing, either way, after tonight's meeting will not be made a part of the official record. It's going to close tonight. I recommend that we deny the motion to bifurcate the hearing.

Mike Winge: I make a motion that we deny it.

Doris Horn: I'll second.

Chairman: Motion and a second. All in favor?

Unanimous aye.

Chairman: Opposed?

None.

Attorney Doll: Then we are ready to proceed.

Chairman: Alrighty, well the only item on the agenda tonight...

BZA-SU-16-14(A) (Amended Petition)

APPLICANT: Prime Foods Holdings, LLC, by Ronald Bennett, Gen. Mgr.

OWNERS: Prime Foods Holdings, LLC, by Ronald Bennett, Gen. Mgr. (Pcl. P); Midwest Coal Reserves of Indiana, LLC, by Mark Scimio, V.P. (Pcls A-O) & The Irene Wasson Revocable Living Trust created U/T/A July 9, 1998 by Rita W. Roth, Trustee. (Pcl Q)

PREMISES AFFECTED: Property located on the E side S.R. 61 & the N side of Kelly Rd. approximately 3,000' E & 2,300' N of the intersection formed by S. R. 61 & Kelly Rd.(N 600). Hart Twp. (*Complete legal on file.*)

NATURE OF CASE: Applicant requests a Special Use (SU 5) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a commercial facility for a confined feeding operation for laying hens and egg production in an "A" Agriculture and "CON" Recreation and Conservancy zoning district. *Advertised in the Standard October 13, 2016.*

Sir, please state your name for the record.

Attorney Wischer: Chris Wischer, I am an attorney with the Bamberger Firm. I actually reside at 5922 Laurel Ridge Drive here in Warrick County and I have an office in Newburgh at 227 West Jennings Street.

Chairman: Thank you sir. Sherri, could we have a staff report please?

Sherri Rector: Yes sir. We do have all return receipts from certified mail to the adjacent property owners except from the State of Indiana; however we do have the pay receipts' showing it was mailed within the 21 day period and to the correct address. The existing land use of the property is vacant. The surrounding zoning and land use, all of the adjacent property is zoned agricultural except the property owned by Lynnville Area Dirt Riders Inc. which is zoned "C-3" Highway Commercial which is located to the east of the site. There are residences located on the south side of Kelly Road, north side of Kelly Road and one to the east of the property and some along State Road 61. The applicants have supplied a plot plan showing the distance to the nearest residences which is in your packet. There is some zone A flood plain on the proposed site. I have emailed a copy of the application to the DNR. A base flood elevation will need to be determined by DNR before any structures would be allowed within the floodplain area. The applicants could obtain a letter of map amendment that would remove the property from the floodplain if they meet FEMA regulations. The access according to the application, the main entrance will be off of State Road 61. WE have emailed the application to all the Board members and attorneys. The application shows they are proposing eight (8) layers houses with six (6) labeled as future houses, a biosecurity room, 300,000 gallon water tank, generator building, processing plant, manure barn, and future manure barn, a layer complex, managers home all located at the northwest corner of the property. There is a proposed scale house, feed mill, and truck wash at the entrance coming off the State Road 61. There are three (3) pullet houses shown, two (2) of them being future, a generator building, manure barn, 60,000 gallon water tank shown south of the access road towards Kelly Road. There is a pullet manager's home shown north of the access road. The applicants have submitted with their application a proposed use statement which has been emailed to all and part of the packet. The office has received hundreds of emails and letters which I have emailed to all Board members and attorneys. I ask that the Board make a motion to waive me reading all of these emails and letter since it is part of our rules and I'll need you to make a motion to waive that since you have received them all. If this application is approved, it will still be subject to all state and federal permits. Our approval does not override any approval by IDEM, any state or federal agencies. They would have to still go to them, get approval, they would be the ones that would look over the site and make sure that they remain in compliance. For the Boards information Mr. Ken Eck, I hope that I pronounced right, is present from Purdue Extension as an unbiased resource if you have any questions.

Chairman: Before we turn it over to Mr. Wischer we will need a motion to waive the reading of the letters. We all did receive copies and they all are part of the record.

Terry Dayvolt: I'll move that we would waive...

Doris Horn: I'll second that motion.

Chairman: We have a motion and a second to not read the letters. All in favor?

Unanimous aye.

Chairman: Opposed?

None.

Chairman: Unless you have some in general to add to that staff report I will turn it over to you sir.

Attorney Wischer: If I have anything to add?

Chairman: In general.

Attorney Wischer: I have nothing in general. I have some specifics. Again Chris Wischer, I'm an attorney with the Bamberger firm, here representing Prime Foods Holdings Inc. That is your applicant tonight. Briefly for the record let me let you know that Prime Food Holdings Inc., the applicant is here in the presence of the President and CEO Jay Kramer, and the COO Ronald Bennet are both here with me tonight. The owners of the property, a portion of the property as we'll see is owned by Midwest Coal Reserves LLC, Tom Detricks, Senior Council is here tonight on behalf of Peabody. Rita Roth is the Trustee of the Watson Trust which is also an owner of a portion of the property and Prime Foods, who I have already introduced, is the owner of the other piece, so all owners and the applicant are present. Let me take a moment just to make, just to say on behalf of everyone that you'll hear tonight, on our side of this for the applicant, we are happy to be here. We filed the initial application two months ago, amended it a month later. As you know we are not permitted by law to discuss this matter with any of you prior to this hearing and so you have not heard from us. So we are looking forward to being able to explain to you all the facts, show you the evidence that we believe supports this petition. We appreciate your patience as we waited all of those months, those two months to get to this point and as we go through tonight and go through our information. Real quickly the rest of our team who you will hear from I will introduce them now and then I won't have to spend as much time introducing them later. Jim Federoff who you see here is my co-council; he's with Carson Boxberger LLP in Fort Wayne. Jim handled a CAFO case in Jackson County two years ago. They were approved by the BZA unanimously and they filed lawsuit and they just won case this year. The court affirmed the BZA so Jim agreed to help out with his experience. Our architects for the project 3I Design are here in the persons of Ray Murray and Ryan Hasenour, they are in the audience. Dan Hudgens who you will hear from later is our consultant on operation and design. Mike Veenhuizen is with Livestock Engineering Solutions. He has a Ph.D. in agricultural engineering and he is here as well to talk about certain things. David Matthews of David Matthew and Associates is here to talk about property values and thanks to Randy Lientz with Axiom who is manning the power point and who has been a great service to us in putting this together. So with that a couple of opening remarks; why are we here? We are here because Prime Foods would like to develop an egg laying facility north of Boonville as everyone knows,

and that is by statute and be IDEM regulations a confined feed operation. More specifically it's a confined animal feed operation or a concentrated animal feed operation depending on where you see it written. This project will be at SR 61. It will be bounded by SR 61, Kelly, Hart, and Eby Road; approximately six-hundred (600) acres in total. It will be made into this development. I will show you site plans here shortly. It will be a modern egg facility with the latest in advanced technology and operations and we will discuss that more thoroughly. It will be phased in over three (3) years beginning with approximately five-hundred-thousand (500,000) laying hens and could get as many as two-million (2,000,000) laying hens in the final phases. Your confined feed operation is defined in the Ordinance basically if you need a permit from IDEM as a confined feed operation then you need to come to the BZA and get a Special Use number five (5) for confined feed and that's why we are here. As Mrs. Rector explained the petitioner, the applicant will be required to obtain a permit from IDEM before they can build anything on this site. They will then be under regulation and oversight from IDEM during the entire period of their operation and we will discuss that more coming up. Warrick County is one of sixty-four of the ninety-two counties that do have local board zoning approval of CFO's. It is a misnomer that you don't have regulation. You have oversight on the Board of Zoning Appeals; every approval has to come through you. You, this Board gets to review all of the facts and circumstances of the operation, the site, all aspects and determine whether or not it is a suitable project, a suitable business, and a suitable site for that project. You get to take all those facts into consideration. So what criteria do you use to make that determination? It is the same criteria that you use for every Special Use application, and we'll have a power point that goes through this...I should have said there are some handouts that Jim is going to pass out...I'm sorry, I agree you were gonna do it...of our materials that we'll go through. And so I'm not going to belabor those six (6) items now; you have seen them before, you probably deal with them at some capacity at every meeting that you have where a special use comes before you. But those are the criteria. This is an exercise in fact and it is an exercise in law. It is not an exercise in emotion. It not about how many you can drive to the meeting or how many letters you can send it is about whether or not that facts presented to you meet that criteria, and I'm not telling you anything you don't know. You guys have done this I know for some time and you know what you are doing. I have them in a folder, I will get them out as a prop, but I've read through every single letter that sent, I read the countless letters against and the couple that were for. I read them again last night before and after the Walking Dead, which I have not yet recovered from. Basically if you go through those letters it is fairly consistent the concerns that the folks have; odor, air and water pollution and contamination, health, property values. I've heard a lot about migrant workers. Those are reasonable issues to be concerned about with this type of operation. If one was going in near me I would have concern and would want to investigate those facts and find out for myself whether or not those facts justify being concerned. We intend to discuss each one of those facts with just that; facts, evidence, and support of why we believe those concerns are addressed by the aspects of this project. We will demonstrate to you why this site was selected and why it is suitable for this project. We will demonstrate to you how the operation of this project and the natural features of the site will minimize and contain odor and environmental concerns. We will explain, we will demonstrate to you why, explain in detail IDEM regulation and what that means for this project. We'll discuss the health concerns and show you why those health concerns are virtually non-existent with this type of facility, and I know this is on everyone's mind, we will show you multiple studies that property values should not be affected by the project. When we've concluded with all of our testimony which will be

presented primarily by these folks, the experts and not by me the attorney, you don't want to hear any more from me although I will say a little bit more. Then we hope you will consider that evidence and you will, like us and like Prime Foods, come to the conclusion that it's a suitable project, a suitable site, that will be good for the area, it will be good for Warrick County. Before we proceed with the evidence in support I do want to allow the president and CEO of Prime Foods Jay Kramer to say a few words to you.

Jay Kramer: Thank you Chris. Appreciate the BZA, opposition, Prime Foods and friends for being out here tonight. Guys tonight this is all about the facts. I can sit up here all night and talk about the facts and talk about the community and how everybody needs to be together and what Prime Foods is all about. Our family has been here just as long as everybody else. My grandfather started the business in 1936 just a block from here. I am very passionate for what we do. I truly believe in what we do and I believe we are doing a great job for the egg industry and I want to continue to do that. So we have a video and everybody has worked really hard on this, thank you Randy for that so we are going to watch this because I am not going to sit up here and say the same thing over and over. So we are going to watch this video and learn about Prime Foods and what we are all about and the facts. Thank you.

Video played. Copy on thumb drive in office.

Chris Wischer: Thanks for your time and watching that. We wanted to give you a little sense of what Prime Foods is. It's hard to see a million eggs a day, it's a lot of eggs, I counted them yesterday and it's accurate. So next let me turn it over to COO Ronald Bennet. Ron is going to explain to you a little more about Prime Foods and what's next and why this facility is so important to the future of the company.

Ronald Bennet: I've been in the egg business for about 26 years. Actually this is my 27th year. I knew Jay's dad with another business that I worked in and traded eggs with him and done business with him for several years. Glenn called me one day and said hey I want you to come over and look at my business. We did that, met Jay, and he and I stayed in contact after that for quite some time. One day about 6 years ago he called me and he said man I gotta have some help. At that period of time I was leaving a job headed to another job so I came over and looked at the operation, talked to Jay, spent some time and we were sitting at Texas Roadhouse having dinner that night, it was the night that I accepted the job from him. Randy where are we? And he told me he said I want to be the biggest and best hard cooked egg company in the country and your job is to take us there. So after I accepted the position, after that conversation Jay and I sat down and developed the guiding principles that drive our company to the achievement of that goal, to be the biggest, to be the best. We had to define that a little bit. Our vision is to be the nation's largest and most profitable producer, processor, and marketer of hard cooked eggs. Our goal is to continue to fuel the growth of Prime Foods while maximizing returns and benefits and opportunities to the ownership, employees, the customers, and the community. We're gonna do that by several ways. First of all we're gonna remain true to our core values. We believe this business is Gods and we are gonna run it for him and we're gonna operate it with diligence, generosity, temperance, and humility. We're going to focus on quality first, unmatched customer service, and a safe, relaxed environment for our employee family. We're going to actively seek out and exploit any synergies that may result from either organic growth or

strategic acquisition. By keeping strength in our cash base not only for working capital but to fund moderate growth while developing strong external financial relationships to enhance our ability to act when strategic opportunities arise or when substantial organic growth is necessary like with this project. We're gonna strengthen the management team with knowledgeable experienced members as needed due to growth or attrition by being active in the community, supporting economic development, local schools so future generations have access to quality jobs close to home. By remaining focused on and expanding Safe Quality Food programs, ensuring only the highest quality, safest products are produced by and delivered from our facilities. That was can avoid the distractions and costs of lost, reworked or recalled products. And we are going to engage the allied industries to recommend downstream equipment, advancements in technology, or specialized knowledge that work to drive down costs and manage risk. And then we'll vertically integrate where it makes sense so we can remove costs out of the supply chain. I'm gonna back for a minute and touch on a few of those just as it relates to this project. When it comes to our core values this farm's been designed to the highest level of environmental and safety standards to ensure the wellbeing of our flocks, our employees, our neighbors, and our environment. It will allow us to improve and better control the quality of eggs that go into our finished products, thereby serving our customers and consumers with higher quality egg-based food products. It will allow us to strengthen the management team with members who are knowledgeable and experienced in egg laying operations, avian husbandry, grain and feedstuff and biosecurity. As a result we'll be positioned to make better decisions and react more quickly regarding our input and quality costs. It will allow us to continue improving our employee base and bring strength and diversity to our incentive programs, particularly as it relates to health insurance costs. It'll give us new ways to bolster our activity in the community which is already substantial. For example we could work closely with the local FFH chapters, educating the young upcoming farmers to the opportunities in poultry agriculture and show them that there is place for them at home should they so choose. This farm in and of itself supports our commitment to economic development by providing new jobs, creating new markets for local farmers and businesses, and by putting significant tax dollars back into the county for maintenance and growth projects. It'll also require expanded utility services such as water, fire protection, sewer, and high speed internet which the surrounding area will benefit from as well. By building this farm we'll be able to strengthen and expand our safe quality food programs. Right now most of the food industry is SQF level 2. Prime Foods is SQF level 3. It's hard to achieve and we are very proud of that position and designation that we hold and we work hard and invest substantially to maintain it. This farm will produce a consistently higher quality egg with a reduced risk of contamination of environmental factors just by the way of its design. It will allow us to improve and strengthen our layers operations plan and provide a cleaner more efficient platform for egg production. We've engaged the allied industries. They are making recommendations, providing expertise in the planning of this farm, several of which you are going to meet tonight. We, they and others that are not here tonight are working tirelessly and will continue working tirelessly to ensure we incorporate the latest advancements in technology and specialized knowledge to make this farm the most cost efficient egg production facility of its kind while simultaneously managing for the lowest possible risk to the birds, employees, environment and community. Finally in 2008 we began backing into our vertical integration plan by getting involved in a small farm up in Fort Recovery Ohio and another which was a partnership in north Georgia. It made sense to do this for a small business contract production. It's an easy more cost efficient way to get into the egg production business. Those farms and

equipment are about three-hundred (300) miles away. They're inefficient by today's standards, they are antiquated, and they're aging. And that in itself puts our egg supply at risk for our hard cooking operation here in town. We have to have a million eggs a day. When we start losing housing opportunities that affects potentially our ability to supply those eggs. In addition in 2014-2015 we had the highly pathogenic avian influenza outbreak, the bird flu. That rebuilt us, with the type of housing that we have in northwest Ohio, really puts us at a high risk of losing most or all of our production should another outbreak occur and should it occur in that area. These two factors alone, current housing conditions and the risk of bird flu make this farm a necessity in order for Prime Foods to secure its supply chain and insure we have the cost effective inputs we need for future growth. I want to thank you ladies and gentlemen for your time, for your consideration, and I want to turn it back over to Chris and he and the team will lead you through the details of our project.

Attorney Wischer: Okay so now the project. Let's look at the, pull up the next slide it should be the site plan. So you have that on your screen there should also be a site plan at tab one, there's an index in the front but I will do my best to try to guide you through that but there is a site plan in your book which will be handy as the slides move forward if you want to go back and look at it again. This is the location, to help me help you I've got this so if I need to point because I can't point there and I'm not gonna come up to Jeff's screen and point for him. We have two different sites; two different separate pieces of property. Northern site is right off of Hart Road, it's made up of two eighty (80) acres parcels. That is where the egg laying facility is planned. The southern parcel is about six-hundred (600) acres and you'll notice direct access to 61, there is the truck entrance, the parking, biosecurity, truck wash, and the feed mill when those are constructed will be located closer to 61 at the access point. Down further on into the site will be what we call the pullet houses. To give you a brief description, the egg laying facility, that's where the hens that lay the eggs of course will be. The pullet houses are where chicks live until they grow old enough or close to old enough to lay eggs and then they are moved into the egg laying facility at that time. There is a roadway that will connect. That roadway will be, let me explain and we will have a slide on this here shortly but the property across which that roadway extends is under right-of-first-refusal, it's also owned by Midwest Coal Reserves and in the agreement with Midwest Coal Reserves if this property is purchased, if this is approved, then there will be an easement reserved for that roadway so they'll have the right-of-access for truck traffic between the two. It's important to note that all of the access to facility will be from SR 61. That's critical. I've heard a lot of concerns about truck traffic and where's the truck traffic gonna go. And it'll be...all access will be 61. That will provide more security but it will also provide the trucks aren't going to be using up the county roads. They will not be accessing this site from Hart and they will not be accessing this site from Kelly. So it will be entirely on 61. That's the same access the mines used back in the day when they were mining and that site, we've talked with INDOT to the extent there's improvements necessary, those improvements will be made but we don't expect that but that will be under the works. That is an important part of this project, that all access. Everything else will be on internal roads. This property that's under right-of-first-refusal is currently still in a reclamation project, it's not quite done; when that gets done Prime expects to purchase that so that will complete that site but until then they'll have an easement. The property will be fenced to provide more security. It'll be phase in, you can see on the site plan the ground will be the first phase; the other two would be the future phases. We expect the feed mill to come in sometime in the second phase thereabouts but it will

be phased so they will not get too far ahead of themselves. They'll build what they know they can use, get everything under foot and move forward from there. Again they are producing a million eggs a day out of this facility. They are transporting those eggs from northern Ohio Indiana several hundred miles this will of course allow those to be transported directly to Boonville and save on the transportation costs and risk of transportation. The next slide will be the zoning map. This is your zoning map taken from the GIS site of the county. Should be at tab 2 in your materials or...no I'm sorry....the tabs are not in the same order as the slides but that's okay. Tab 6 is the zoning map. The white area is all zoned Ag. There is a key on the side but the white area is zoned ag. That red-orangey color is zoned conservancy. Confined feed operation is allowed as a Special Use in ag. or conservancy. But I think it's important to note from the map this site you'll see in gray that the entire area around it is zoned agriculture save for a small portion of C-3 land which I believe is the dirt riders tract and a small pink piece on 61 that's industrial. Everything else surrounding it is zoned ag. I've put some lines to show you what appear to be the closest residentially zoned properties. Now I understand there are residences in agricultural property but I point that out simply to let you know where your County Commissioners, your legislative body has seen fit to actually zone land for residential use and only residential use and not agricultural. The closest one is a PUD I believe those might be condos 1.78 miles away and there's a mobile home park I think there as well but those are some distance away. So this is an agriculturally zoned area without a doubt. Next slide should be the map from your Comprehensive Plan. Should be a symbol on the map that's going to be tab 7 on your materials and it is on your screen. It is showing where the Prime Foods site is at Kelly and 61. This is your future land use map. The plans are somewhat dated but when the plan was done, I just want to point out that the area in the Comprehensive Plan was shown to be agriculture. There are designations in the map for low density and high density residential and those are shown in this area. They projected residential growth to be primarily Ohio Township. There is some language in the plan about some residential growth south and east of Boonville. This is the current use and this use is consistent with what the Comprehensive Plan envisioned for this area. Couple of things about the Comprehensive Plan because that is one of your criteria; it does say one of the goals is to preserve Warrick County as a place that values and enhances the integrity of agriculture and agri-business...I'm sorry the interest I can't read my own writing. Let me say that again so you know it's right. To preserve Warrick County as a place that values and enhances the interests of agriculture and agri-business. The action item, this is reclaimed coal mine land and you do have an action in your Comprehensive Plan, to caution against residential areas to be constructed on reclaimed coal mine area without adequate precautions. So we think this project, taking reclaimed coal mine land and putting it a positive use for the county is in line with the goals and objectives of your Comprehensive Plan and your future land use map. Next I think there'll be a quick reference to a map just to show exactly what I referred to. The green areas are either owned by Prime Foods or under contract to purchase Prime Foods. The blue areas are right-of-first-refusal that is in the same contract. Once reclamation is done Prime Foods does have the right to purchase those properties. So that shows you the extent of the project and I'll say this about the site. It's hard to see sometimes in site plans because it's hard to gain perspective but you basically from Hart to Kelly that's a mile and a half of depth. It's about a mile and a quarter of width on the southern piece. You go drive it it takes you more than a minute to drive down and it takes you more than a minute to drive the other way. It's a sizable piece of property. We are talking about six-hundred (600) total acres that this will be place on. Next slide. I have a quick video. These are aerial videos to try to give you some

perspective. I wasn't there, I wish I could've been but they did fly a drone over the property and we do want to show you because you can see a little better. If you want to go ahead and start I will try my best to narrate from here.

Video played. Copy on thumb drive in office.

Attorney Wischer: We are going to start going north to south, so this is from Hart Road. When you cross this little road here you start to go into where the egg laying facility will be. You will see the tree screening on the left, that's a substantial distance of trees and forest between this facility and the residence of the Cobbs that is over there, and we will show you more about that later. As we approach now south, we've moved ahead a little bit, once you cross this water area here you'll be in the area of the pullet facility. The brown section over towards, you see it right in there. So the pullet facility will be right in there on the right of that road. This is where Greenbriar would be to the right. Now we are heading back so again we are headed over that same water source and we are heading north and you'll get a good vision of the site where the egg laying facility will be. You'll see the trees again on the right, there is also substantial trees on the left along that water source and then again over on the other side of it along 61 there are more tree's screening the property. I drove through there the other day down 61 and you really can't get a good view of the site from the road except for down the way on Kelly a little bit. There will be a second video here that will focus on the laying facility, if you want to go ahead and start that Randy.

Video played. Copy on thumb drive in office.

Attorney Wischer: So here over these tree's you'll see this road and just on the other, we're heading south from Hart, and just on the other side of that Y in the road is where the egg laying facility will be. It will be, the roadway as you can see in the site plan will be reconstructed to go around the facility. You can see the trees that line that long water source there and the trees that are on the other side that do provide a buffer between this site and anything on the other side of 61. Again, this is the egg laying facility now looking towards the east. So it will be tucked, they are going to have to take about 25 feet of ground out of that facility so it will be set even lower. The eaves of the building should be right about where the ground is now. So it will be set-in, that will provide additional screening from the building, from the trees. I don't think from 61 from the other side of the trees where the Cobbs live that you will be able to see the facility in any shape or form.

Video played. Copy on thumb drive in office.

This final video is an overhead of the pullet site. Again you'll see Greenbriar residents, we're facing southwest here, you'll see them and as we turn to the east the pullet site will reveal itself. That brown area there is where those barns will be; substantial tree screening to the south and to the west between this facility and the residents. Now we are looking north and again...the site is tucked back in and behind quite a bit of trees and forests. You won't be able to see it pretty much from anywhere except like I said a little spot on Kelly. As I'll show you here in a minute when we get to the location map that we have there will be some additional trees planted in gaps where trees don't exist today. I think that about covers the site. There's the industrial building

there that is along 61 and that's Kelly Road as we are approaching the end of the video. You can see how far down Kelly Road it is until you actually get down to where the pullet site is.

Okay so this is the same site plan that you looked at before just to give you perspective again on where we are. We came down from the south, went back to the north, spun around the egg laying facility and then we looked at the pullet facility. Randy if you'll go to the next slide. This is a location map. That's at tab 2 in your materials. So what we attempted to do with this location map is to show the location of these facilities as planned in comparison to primarily existing residences. You'll also see highlighted, because it is hard to see on this particular site plan, the trees. For example the trees that are on the east side of that long leg do not really show up on the site plan but as you saw from the overheads they are in fact there. So we've got quite a bit of tree screening. You'll see for example the pullet complex in the south distances of a third of a mile and more to existing residences and going north to the house you can see in the middle of the page where it says house that is Mr. and Mrs. Cobbs residence. They are back there, they access their place by Eby Road but it is tucked back in the woods and it's about a half a mile from the pullet house and a little over half a mile from the closest point of the egg laying facility. The Dirt Riders Club is about two-thirds of a mile. That's the LADR club property that you will see on the north, northeast. You know the egg laying facility itself as you will hear is the one that there will be...there is more manure that comes out of that one than out of the pullet house by far. There's more chickens and they are older and that one is up further north it is a third of a mile from the house over on 61, half a mile from the house further down south of 61 more near where the feed mill is. So this gives you a good idea of the distances that those are. Just one statement, we've heard a lot about in the media and on social media about lack of regulation, been through all of the regulations of all of the counties that have setbacks, some counties have setbacks that they have come up with. The Purdue materials refer to them as arbitrary because as you see this is so fact specific before you decide what is appropriate but this project and these distances would meet the most stringent of those in the state. So there aren't any that are, for distances between the facility and residential buildings. Again the future access easement you see. So and then you'll see some areas on the north where there is a gap in the trees, you'll see where they plan to plant new trees to be planted for a buffer. So there along Hart Road between those two existing trees you'll see that. They are going to close off the road between the trees there and then on the south along Kelly, that's the place where I said you could see the facility from Kelly if you get all the way down there. There will be trees planted down in that area that will provide screening from Kelly Road to the pullet facility.

Okay Mrs. Rector mentioned the floodplain so I do want to put up the slide and at least explain what we believe to be the case about the floodplain. So if you will look at 4 in your materials and it is up on your screen; DNR does have two maps available. There is the FEMA approved map and there is what's called the best available map and the county goes by the FEMA map and that's fine. DNR has a best available which is supposed to be based on more recent topographical information, maybe post mining or whatever I don't know but the best available map shows the floodplain as quite a bit smaller along the haul road there where the feed mill and biosecurity will be. That's where we envision it. If there needs to be some fill I guess we can fill it. We can't get a permit if we are in the floodplain. We'd have to either do a letter of map amendment or something else to prove that it's not in the floodplain and that would be done at the right time. If it is in the floodplain there is nothing we can do about that, then it will be moved further to the

south to accommodate that. I did want to point out to you that even though the GIS map shows it in the floodplain there is some information that indicates that perhaps, we haven't surveyed the topography yet, that that may not be the case. So best case this is where those two buildings will be.

So that's what I have to say about the site. I hope that gives you good vision about what this site is. Like I said it's a sizeable piece of property. It will provide a lot of natural screening for this project. Probably the most important aspect of the project for us to explain to you is that operation of the facility. The most common question is two-million chickens, that's a lot of chicken manure and how are you going to handle it so next let me introduce Dan Hudgens. He is a consultant on the project Dan's got 43 years in the poultry and egg industry. He has worked exclusively in the egg industry since 1979. In 2002 he designed a barn that's become one of the hallmarks in the way barns are designed. He is going to explain to you and of course answer any questions that you have anything about the operation of the facility.

Dan Hudgens: Thank you Chris. My name is Dan Hudgens and I grew up on a small farm. I was involved in 4H and FFA and have come to love agriculture and love the animals associated with it and that is why he is here today, because of that. 1973 I became active in managing broiler farms and working on contract egg laying farms and then I started attending the University of Arkansas and worked at the poultry research farm at the University of Arkansas while being a student there. Like Chris said, for the past 37 years now, actually this month 37 years ago, I've worked exclusively in the layer industry. Bring up the next slide please Randy. This modern facility is designed to be friendly to the birds, making them comfortable and healthy. The pullet houses are very specifically designed to grow the birds so that they will adapt readily and easily to the layer barn as well. We want the birds to be comfortable. While the birds are in the pullet houses we'll give them an immunization program that will give them a healthy start to life and will protect them throughout their life much like we do with our children. We immunize children in order to protect them. This site is also designed to be very bio-secure and when I say that it means we are protecting those birds from outside diseases that could come into the facility. We will have very strict measures on how you enter the facility and the birds will be under roof enclosed all the time. We do that because there are vectors that can bring diseases into a facility. I might want to note and I will go into this in some more detail later but there are almost no diseases that are common to chickens that are also common to humans; almost none. The employees will be trained with the proper care and handling of the birds in this facility. The egg industry a number of years back decided to become proactive and find out what is the best way to manage birds; how do we keep our birds healthy; how do we treat them properly; how we do these things. So rather than the industry just write the standard we actually reached out to experts, mostly university professors and research universities to establish the standards that we would follow as an industry. When those standards came forward rather than try to sort through them the industry adopted those standards and decided to follow those standards and I am proud to say that Prime Foods, even though I am not an employee I just an am consultant, Prime Foods adheres to those standards. They fall under United Egg Producers and they are called the ACC Program which stands for Animal Care Certified and this program is a very well done program. A lot of the concerns have come up about what do you do with the daily mortality. Well any time you have a population of whatever you might have you can experience daily mortality. I have personally contacted the state veterinarian's office, talked

with the Board of Animal Health and have talked to them extensively about what the procedures are...acceptable in the state of Indiana. We will have the facilities in place and we will follow those procedures. It is most likely that we will compost because what I am being told by the other people in the industry, actually I know almost everybody in the eggs business in the state, they are composting and they do it with an anaerobic style composting because it doesn't create odors and it's easy to manage and maintain. So we will follow, regardless of whether it be exactly that, whatever the law allows. We've also looked into with the state, what do you do if you have an avian influenza type incident and actually it falls out of our hands and into their hands when that happens. And because the avian influenza can spread, it's one of those spreadable diseases among avian species, the United States Government chooses to eradicate those flocks and when I talked to the state veterinary office they said there is actually a specific program in place that covers southern Indiana as well as the rest of the state of Indiana. By the way Indiana is a very large agriculture state. We are number 3 in the nation in layers, egg laying hens. There's an excess of twenty-eight million egg layers in the state today; also in the top five in swine and the top five in turkeys as well.

The other question that comes up is what do you do with the birds when they are no longer laying eggs and there are outlets for that. They are a valuable product. Typically they go to a renderer and they are made into poultry meal and the poultry meal is then used pet or companion animal feeds or in some cases fed back to livestock. We don't feed like species back to like species though.

We'll go to the next slide here. This is a more distant view of the facility that would give you an idea of what it might look like. On the next slide...can you back Randy please. Due to the high-tech and modern design of this facility in all of the intricate things that we bring into the industry we have to have a high number of highly skilled employees. Not everybody is going to know the business though we we'll have very specific training to train them even further. This operation will operate 365 days out of the year with one exception; leap year. There will be people on staff working on the facility every single day of the week without exception. Any time we run into situations where the employees aren't fully trained, we'll provide that training and make sure they get up to speed. This is not a seasonal operation in any way shape or form; we need full time employees. Next slide now. This site was selected to provide good isolation and good highway access and avoid undue traffic on rural roads. Many times rural roads aren't capable of handling the traffic that an operation like this might have. Just for an example in phase one we'll have about fourteen (14) employees. We'll have twenty (20) total though because we are a 7 day a week operation so we'll have to have some in reserve to fill in for those day's that other people get days off. Phase two thirty-six (36) and fifty-one (51), and if you'll look at phase three it's fifty-six (56) on sight daily for a total of eighty (80). Now actually there will be two people that will probably not be driving to and from work so they won't be accessing the facility from 61 because we'll have a modern nice home on sight for the pullet manager and their family and then we'll have another home near the layer site for their family as well. We do this in case there is a dire need for an emergency. We want someone with a quick response. This entire facility will be backed up by automatic generators that operate off of switch gear that will come on regardless of what happens to the power but we still want somebody right there close by because this is a very large investment. We want a quick response. We want somebody to assure and verify that everything happened the way it is supposed to happen. Next slide talks a little bit about truck

traffic. Sometimes we think boy that's gonna take a lot of trucks in and out of there but if you look at it in phase one it'll be about five (5) trucks per day on a seven day a week basis. Phase two will be double that so it's ten (10) so in phase three after we are up to two-million birds, if we get to that point, we are talking about twenty (20) trucks because the real activities will probably encompass at least ten (10) hours a day you are talking about a couple of trucks per hour that will be entering into and exiting onto 61 highway there. There has been concern about water supply as well. We've been assured that we have access to water at the site from Boonville so we're counting on that.

I understand people's concerns so I want to talk a little bit about how the houses are designed so they can understand why they are different. I got into the business forty-three (43) years ago and things have changed. We have an acronym in the egg industry it's FLAWSS; feed, light, air, water, space and sanitation. What I've found we did a good job on all of them but we didn't do as good a job as we probably should of on air quality. It's FLAWSS; feed, light, air. And so I was determined as someone who is working with poultry to find a solution. How to improve the air quality in the houses; not that we weren't trying, not that we weren't doing a good job but we need to do better. So I started studying this, I saw a lot of things in the U.S. and then I also got exposed to some things that were happening in Europe. Most people said it was too expensive to do; we can't do that in the U.S. and still compete. We don't have high enough margins on our product. But I decided to do it anyway and found that the effects were so great that it was worthwhile and it paid dividends to do. I call it a European designed house; it's a closed tunnel ventilation system. It has pressurized air-drawing tubes and is completely enclosed manure handling system; I'll go over that briefly. Inside these houses as you can see the birds have the freedom to move all around inside the building. This type of system is called an aviary. If you understand birds you understand that they like to move around, they like to do the different activities and we're gonna provide that for them. We do find though that when it starts they like to go to higher elevations and roost and they do that for their own security so we provide that for them. The beauty of that is when they wake up in the morning first thing they do is they get a nutritional based diet right there in front of them. They get clean safe water provided for them. The other thing that happens, chickens lay an egg in the morning. Almost every hen lays the egg in the morning and we have nests for them to lay the eggs in. The next thing that happens is they typically defecate and we want them to do that while they are still at this stage because they are over a trampoline, it's basically a wire floor, and underneath the cushioned wire floor is a manure belt catches all the droppings as they fall down there. When a chicken does defecate the moisture content of the manure is about 78% and it comes out in shape about like that, like chewed bubble gum. You've probably seen it yourself sometime. Because of the tunnel ventilation that I talked about that means bringing air in one end of the building and exhausting it out the other end, that activity of the wind and velocity of the wind going over the manure dries it further from the 78% to about 58% and I've actually operated operations and have seen this happen but it is also proven scientifically as well. The next thing we do is, the next slide, that's the drying tube. This is where everybody said you can't afford to that it is expensive but when you have this drying tube, it's underneath the trampoline floor but above the belts, it continuously blows warm dry air over the manure and it continues that process of drying it and gets its down to about 40-45% moisture content. Because of this most of the droppings remain in the bubble gum shape and the nitrogen that is organic is retained within that dropping. It is when moisture contaminates the manure or when the manure gets stirred, especially with

moisture, when that organic nitrogen breaks down into ammonias and volatilizes off and causes the offensive odors and gases. So we have a good job of maintaining to where we don't have that and don't experience that. The other thing that I would note is that in this type of manure it is so dry that flies and the larva from flies don't reproduce in this dry of manure; it just doesn't happen. So the fly population at our farm will be very very minimal. We're interested in keeping ammonia down in the houses for the birds' health primarily but there is another benefit; our employees are working in a better environment as well. The other thing that happens, next slide please, is where the exhaust fans are we're not exhausting as much odor because we didn't generate the odor; we didn't create the ammonias; we didn't create the gases at the same level without this design and without this investment. The other thing that I wanted to note on the exhaust fans and you can't see it very well but there's a structure that holds a block, a blockade there. When the air exhausts out the back, most of the gases will dissipate into the air within 50-100 feet distance. However, we know that some of the molecules will attached to dust and the dust will go further. In order to prevent most of that dust from going further and those odors going further we have this blockade that will catch the dust coming off those fans and therefor will control a bigger amount of that odor that could get away from us.

Now if we go back inside the houses, and we don't need to go back there Randy we are fine, I just want to talk to you a little more about the manure. It drops on these belts; the belts rotate to the back and then a conveying system will take the manure on into the manure building. Before we go to the next slide though I want to explain to you the manure is under roof and over concrete on this property 100% of the time. Therefor even under the environmental protection agencies clean water act, we are considered a zero discharge facility. We are concerned about surface water, ground water, and that's why we are designed this way and the manure barn which we'll go to it here. You can see it's attached to the back of the layer barn, it's completely enclosed and the manure barn is where we store the valuable fertilizer. The manure is analyzed for nutrient content. All the land where it is going to go will be soil tested to see what the nutrient values are already in the land, and then we'll look at the crop to be grown and whatever nutrient values that that crop needs beyond what's available in the land already will be how we'll apply the manure; and this is regulated under IDEM. So we won't be overspreading manure, we'll be meeting the nutrient needs of that crop. I also want to note at this point that no egg producing facility in the United States currently exceeds the greenhouse gas rules and regulations and so we do not qualify for greenhouse gas reporting. It's because of the design of facility and the type of emissions it just doesn't happen and there's many facilities much larger than this one without the same technology and they still do not fall under that. Prime Foods again is a member of the United Egg Producers and follows their certified program and that isn't just language, there is actually audits that take place by third party audits. And they audit not only the farm itself but they audit the record keeping as well. Might state that the state of Indiana and the Federal Government both have oversight on this facility before it's built and then ongoing as it operates continuously. I've permitted a number of facilities; California, Colorado, Iowa, Missouri; assisted in on in Ohio; Connecticut; and none of them have had as many nice features and as much isolation, as many tree barriers as this one that I've permitted.

Attorney Wischer: Thank you Dan. A couple of points, I just want to go back and as I sit down sometimes I think of things I should have said. Dan did bring this up but when you look at your site plan, one of the things that came out early that we heard about were the two residential

structures shown on the site plan; there's one for the pullet facility and there's one for the layer facility. Those are as Dan suggested homes for on sight managers 24/7 managers and their family. It's not a barracks or a dormitory for temporary migrant immigrant workers or whatever other term you want to use for that. I don't know where that came from that's one of the concerns that we heard about and I wanted to dispel that. Dan talked about employment. The employees will be hired in at this facility in the same manner, the same legal manner as employees for current Prime Food operation and those as he said, it's a 365 day a year operation; they are not seasonal jobs, it is all year round. As far as water and sewer that's been brought up at different times and I think Dan talked about it. Mike may talk about here momentarily. But my understanding is that it's something that we will have to have obviously before we can build this facility; water, we'll be discussing that I know there's pressure situations out there now. I hear about that. We'll have to find an extension or some way to solve that problem or there will be an onsite water source. We can work through that and get that permitted if need be. Same with sewer; I think a sewer extension would be a fairly monumental task at this point, it's not out of the question down the road but certainly for the residences and even the pullet facility some form of onsite sewer facility, more likely a mound system given the reclaimed nature of the ground. I know utilities has been an often discussed issue. So as Dan indicated, well let me just say here; we'll go onto remonstrator concerns. As I said at the outset as you know because you've seen the same letters I've seen, the remonstrator concerns; they are concerned about odor, water and air, the environment, health, property values and of course as we have mentioned migrant workers and I'm not going to talk about that any further. I have already talked enough about that. We want to deal with these individually and let's start with odor and I'll speak a little about the environment and then I'll get someone up here who's more an expert on that than me to tell you about that. As Dan indicated; just to recap what Dan suggested. The manure management system, the way the manure is handled, the way it is regulated as far as the operation and procedures necessary when you spread it on the fields; all of that is done in a way to minimize or eliminate odor; to eliminate environmental concerns. The building is entirely closed in on a concrete floor. The conveyor that takes the manure from the layer building to the manure barn is enclosed. There is nowhere for that manure to go except into the manure and it's loaded into a truck there in the barn and hauled away. So it is a zero emissions facility and the technology that they have come up with over the years; this is the ingenuity of America, it is what we do. There are problems we solve them. You read a lot about these projects from ten or more years ago and odor was a significant issue. There are technologies to prevent that, Dan explained that to you and that is what Prime Foods intends to implement here. But as far as the odor and the water and air issues the next slide should be...again got ahead of myself. In your materials there are two articles that I want to bring your attention to. One is from the University of Georgia Cooperative Extension similar to your Purdue Extension I'm sure. Georgia has a substantial poultry industry. There is an article about "Nuisance Myths and Poultry Farming". That article deals with the issues of the environment, odor, health and property values. Through studies, again if proper management and operation techniques are implemented then those issues can be addressed and eliminated. Secondly, a similar article, this one is put out by your own Indiana Farm Bureau and some other Indiana agricultural entities addressing "Don't Believe Everything You Hear About New Livestock Barns". It's on your next tab and again you may have received this I think I'm told but this has some very nice information. It is all peer reviewed, footnoted about those very same issues. So this would give you a very brief, general understanding of why these issues, when done correctly are not issues and we think that's the

way this operation is going to be. With that said generally about all of these issues I want to turn specifically to odor and the environment and so Randy if you will go to the next slide. Mike Veenhuizen who is President of Livestock Engineering Solutions; he is a consultant on this project and is a PH.D. in Agricultural Engineering. Mike is going to talk with you about the studies he's done on this project specifically on odor and he is going to explain to you the environmental regulation, oversight, and why the environment is protected with this project; Mike.

Mike Veenhuizen: Thank you Chris. My name is Mike Veenhuizen. I am with Livestock Engineering Solutions and my office is at 2967 South Honey Creek Road, Greenwood, Indiana, 46143. Chris laid out some of the concern that we face with any animal feeding, confined feeding operation. Odor, air quality, water quality, land use decisions. Part of my consulting services in Livestock Engineering Solutions which I've had pleasure and the good fortune to work with Indiana agriculture as well as agriculture across the country to help site and make informed and sound decisions about where the right places and how to design and install confined feeding operations. The Prime Foods site you had an excellent description about the site they have selected. Any of these sites take, for moderate agricultural production require a significant amount of thought, planning and decision making. And a lot of thought and a lot of planning, and a lot of decisions have been made regarding this proposal that's in front of you this evening. Many of those we've already presented briefly and that relates to separation distance. You know distances from potential odor receptors. Distance from potential water users as well as the wind direction atmospheric conditions, topography and terrain and the buffers that naturally occur and provide really some of the key positive aspects about their site selection and then the exposure potential recipients. The location of the site, if we look at that, really provides a number of very key natural features that support the decision about this being a really effective and desirable location for this particular project. Just to highlight a few of those; we've seen the aerial photographs, the video of existing natural wooded buffers to the northeast, the east, and the southeast. The tree lines that have been highlighted that are to the south, southwest, and west and the proposal to include additional buffers to help further screen and filter any potential emissions or containments that maybe generated by this farm. And then we've clearly taken a hard look at the distance to the adjoining residences and the receptors. Why are the wooded buffers so important to us? The wooded buffers provide a natural visual screening which although these are very attractive sites; you saw an illustration of a six (6) building similar sized production facility in eastern Indiana. And one id be proud to have anyone drive past. They're well maintained facilities. They are very attractive but at the same time they come with these concerns by neighboring residents, residents of the county, users of your highways, users of your county roads and so it's not that we hid these facilities because we are ashamed of them. It's not that we hid these facilities because they are a problem but the perception of these facilities has lead us to select a site that has significant wooded buffers and one of the key factors there is that the research out of Minnesota, out of Iowa, demonstrate that a mature wooded buffer as is located to the east and to the southeast and to the north of this facility will give us a 65-85% protection or reduction in potential odors, dust, particulates, emissions from this site. So it is a very strong positive as we look at the compatibility and the suitability with the community as well as the residents in that area. Existing tree lines also provide that same visual and they are going to give us a similar type performance; 45-55% reduction in those potential emissions. And as Dan pointed out with our modern production facilities we don't have the same level of

emissions that we've experienced over the many years. Improvements in our ventilation system, improvements in the management have reduced the potential emissions coming out of these sites. We've taken a serious look at how do we control, prevent, minimize the impact on the surrounding community. Separation distances; all of the facilities that are in proximity to this are greater than a quarter of a mile; 1320 feet and as reference to earlier many other counties have regulatory requirements of 1320 feet. Many if not most of these are greater than a half a mile. I'd like to show you, or demonstrate to you as I present this information tonight why that quarter mile, that half a mile separation is very effective as well as protective of the citizens of Warren County. So if we look at the next slide we've seen this in a couple of different formats but again as we look to the layer facility, the pullet facility further off to the upper right hand part of the site, you see what we're referencing; the mature wooded buffers to the east, the southeast, and to the northeast protecting and filtering the ventilation; protecting and filtering the facility. And then the natural topography, as I drove around the site and have driven around the site, as Chris pointed out it's difficult to see the facility because of the topography there, the berms, the fill, as well as those natural trees. So let's consider the building site features. You have been presented and you've noticed a number of different features relative to this site. So as you look at the building site, the buildings orientation is fairly clear. From a southwest to a northeast orientation why that's important is because the ventilation system as Dan pointed out in his slides and his discussion is tunnel ventilation. Air intake is along the east side of the facility, or on the west side of the facility and it exhausts any potential containment out the east end. As you see we have this very mature, dense, wooded buffer. Why else is that important? Not only does it filter the emissions, it creates turbulence in the air, helps the gases that do exist to be dispersed more readily in the fifty (50) to one-hundred (100) feet distance. But it also captures and particulates. With the wind break walls, those barriers that Dan presented, they give us a very effective dust control, particulate control and hold that on site but in addition to that the trees themselves, the foliage on the trees absorb these emissions and these gases as well as capture 85-90% of the particulates. Sites that have wooded buffers similar to this have demonstrate a 80-90% efficiency in capturing those particulates. Particulates are what carry in most cases the odor of components. The gases disperse very rapidly but the wind effects and the particulates are what are going to carry it further distances. If we are taking 80-90% out of that, that's where the Minnesota studies confirm 85% reduction in any type of an emission leaving this site. So that gives up the kind of protection that's important as we selected the features on this site. In addition to that the management factors of manure drying, the ventilation system, an enclosed production facility, enclosed manure storage; all of that minimizes and controls the types of emissions that may or do occur from these sites. I can't deny that we ventilate for air quality for the birds. We ventilate for air quality for the employees. Just as we ventilate any other public space we have certain containments in the air that have to be removed. Moisture, dander, dust; but we are minimizing those impacts and we are controlling them as they leave the facility. The next slide shows us the proximity to the facility and as you can see as you study that slide the closest residents is about 1840 feet, and that residence or that location happens to be to the west. The others are off, as we pointed out the dirt riding club to the northeast, a house there that's southeast and north of the pullet facility. All of these distances are half to three-quarters...a third of a mile and nearly three-quarters of a mile for a couple of these. As they discuss the potential of these emissions and where these odor boundaries are, those distances are going to become important as we see that many of these, if not all are outside of any expected or anticipated odor exposure and odor events. Wind direction is a key factor in any site selection and we've looked

at the wind direction, it changes seasonally. If you look at the annualized wind direction which is an important factor as I select a facility, you'll also look at the predominant wind patterns and the time of year that those occur and where those potential exposures and impacts may be. We determined wind data and it's captured by the National Oceanic Atmospheric Association, it was captured by local weather stations. We look at the Evansville being our reference point being fifteen (15) miles away from Boonville, it's a very appropriate weather data source, but the wind rosettes give us the information. If I could see the next slide, and I share this as an example of the data that's been used in order to make these decisions. This is July in Evansville and you can see, as you'll see in the next couple slides the predominant wind direction and it shows from where the wind is coming from is from the southwest, the west southwest moving towards the northeast and if you look at that proximity of receptors, they are protected by the tree buffers as well as one to two receptors out beyond a half a mile and so very little exposure for this site selection. The next slide gives us the breakdown on those wind directions. The predominant wind direction from the site and you can see that there are really three quadrants that are of interest; north, northeast and southeast of the site. April, September, October, November the wind blows from the south to the north predominately and then during the summer months, the spring months we have predominantly southwest wind blowing to the northeast. You see from the illustration May, June, July, August; predominately that's going to be the time when people are outdoors. We have the maximum amount of filtering and protection in that direction and the fewest number of receptors or residences also in that direction. Then we go into the middle winter, early spring months; January, February, March, December, and we get more of a northeasterly wind headed to the southeast and again a very heavily wooded filtered area and few residences in that direction. The predominate residents populations are to the northwest, the west, and the southwest. And you'll see as we look at seasonal annualized, I'm sorry I don't have a slide for this but if we look at the annualized weather data, wind directions which is what when I present the evaluation of a potential odor set-back model, it uses an annualized number. North, northeast, south, and southeast are the predominant wind directions varying from 11% to 15% over the course of the year. The least prevalent or directions are east, west, southwest, and northwest. As you looked at the site layout and you look at the proximity of residences and receptors they are primarily in those three least prevalent wind directions; northwest, west, and southwest. So there's a very strong indication of the suitability of this site and of the protections that are already there giving us the kind of benefits in making this site selection. Dispersion, the wind shelter belts, how odors move, that's the key to part of this site. So we look at the barriers, the land slopes, they influence air and odor movement. We pick up the particulates which are being filtered by the windbreak walls and the natural screenings. They are going to be in more turbulence from the windbreak walls, that increases the mixing and the dispersion so we've minimized the likelihood of this moving great distances away from this site. Odors obviously is a concern. It's a concern with any siting opportunity that I have. Any permitting project that I work on and there's a very effective, simple tool that Purdue University, Purdue Agricultural Air Quality Laboratory which is headed up by Dr. Al Heber. He has taken and adapted an Austrian and a British model that takes into consideration number and species of animals, distances to receptors, land slopes, barriers, wind effects, weather effects, and tied that in with their current research for Indiana situations and modern agricultural production facilities to develop the Purdue Setback Model. This model is a very effective tool as it considers a number of different factors that are important about this this site. The number and types of animals or birds; orientation, shape, and size of buildings which I have hopefully explained and pointed out the

differences and advantages there; building design and management; manure drying, the enclosed manure storages, the ventilation systems. All of these factors are taken into consideration to give us a predicted odor setback or setback model and potential exposure of individuals to odor events. Manure handling and then the manure storage. The setback model as I explained looks at wind direction but probably one of the key things that fits into that is the land use and exposure criteria. There are a number of different land use and exposure criteria's and is related to the expectation, depending on where you're at to experience and odor event or the sensitivity of that area. Well agricultural, there are agricultural few residences, this is zoned agricultural, they are rural residential which I consider to be typically less than probably five (5) homes, we look at a one mile radius to come up with these determinations. So looking at that site and then we consider the number of receptors in that one mile radius so a two mile diameter, and then small residential which is defined as less than fifty (50) homes, large residential greater than fifty (50) homes, and then a town of less than five-thousand people in a city of greater than five-thousand people. So that allows us to provide the necessary protections based on those land use criteria. Looking at the site and the surrounding area within a mile or thereabouts, the appropriate land use criteria used in this model as agricultural few residences, rural residential, and small residential, less than fifty (50) homes, and so I've applied that as we look at the Purdue Setback Model and you have here the results of that in a graphical format. I'd like to explain that this basically looks at all of those factors as far as where the exhaust source is, what the control features are, what the orientation of the building and the size. Obviously more birds has the potential to produce more emissions and so that setback circle moves further and further away. You can see from the illustration that we have, I've given you some reference distances to those setbacks; I don't have that on a slide.

Attorney Wischer: They have that in their materials. Tab ten (10).

Mike Veenhuizen: Tab ten (10) is where I've been told where that diagram is. So a couple of key things to take from this diagram is we looked...the boundary that you are looking at as far as this irregularly shaped polygon is the boundary of the anticipated or expected odor events. Inside of this boundary we're gonna see, based on those criteria and 4-6% odor occurrence. Outside of that boundary we're gonna see less than 4-6% odor occurrence. So you note from this that, we are two-thousand feet to the north, we are twelve-hundred-forty-six feet to the east, nearly twenty-five-hundred feet to the south, and another twenty-three hundred feet to the west, is the parameters of that boundary for the layer facility and it is obviously a larger circle because there are more birds, more manure generation, more potential emissions. And the pullet site is really about a thousand foot setback to a fourteen-hundred foot setback gives us the same kind of protections and it's important to note that inside of that circle there are none of the adjoining residences. They are all outside of these circles which then gives another confirmation about the suitability and the practicality of using this site as an appropriate location to develop and construct this layer facility and this pullet facility.

Couple of details relative to this site; it has been stated that this is reclaimed mine ground. Obviously it has been disturbed, it has been reclaimed and so from a structural integrity standpoint site investigations need to be done and they are under way. Borings have been done in all of the building footprints on the site location and are being evaluated relative to the suitability buildable site and the initial evaluation of those borings 20-50 feet deep is giving us a

strong indication the site is going to meet structural stability. It is going to be a suitable buildable site and so those from a geological standpoint, from a suitability are looking very favorable but before they move forward with the building we'll confirm those details and where necessary we'll put in place the appropriate engineering or structural controls. As a reference, the question comes up can we permit? Can we build on reclaimed ground? And the Indiana Department of Environmental Management has approved other solid manure turkey type facilities similar to these on reclaimed mine ground so it is obtainable and it is appropriate to consider this type of site. Environmental concerns, air and water quality are the other issue that comes up and what I want to share with us as it relates to that is there are number of different permitting regulatory programs. The key one is IDEM permitting and then the IDEM oversight and inspection. Once this site is built it is not hands off. IDEM has a very integral role in that day in and day out as far as the requirements and responsibilities. Next slide please.

Indiana has a very mature environmental permitting program. We have a confined feeding statute, a confined feeding rule. It's been in effect since 1971. Of all the states in the Midwest region we have the most mature, regulated program. And the other important factor to keep in mind as far as the regulatory authority is that IDEM reaches down further to smaller facilities than the Federal CAFO rules and regulates. So as you look at confined feeding operations, all confined feeding operations are regulated by the state and then some of them are defined as CAFO's and in this case, this one is a CAFO, Concentrated Animal Feeding Operation, and it has a few extra requirements under the IDEM rules as well as the federal CAFO rules that they will be obligated to comply with. With this rule establishes the minimum standards that protect and guide the environmental compliance and stewardship of this site. The concern about water quality; concern about ground water; concern about surface water; there are siting and separation distances that are in place. This site meets and exceeds all of those separation distances for protecting surface water and ground water. There are design and construction operational standards that minimize or eliminate the potential for spills, seepage, and manure impacts to surface and ground water. These facilities are required to meet a number of natural resource conservation construction standards, American Concrete Institute construction and concrete standards and all of these are met and reviewed by the Indiana Department of Environmental Management. We're required to have a minimum of 180 day storage. You saw the example of the enclosed manure storages. Those will have at least 180 day storage and as we move towards mortality management we use composting mortality management. They will most likely be included in those enclosed buildings therefore eliminating the run on runoff issues that may occur because we have no manure exposed to the atmosphere or to the environment.

Land application of manure; manure is a valuable crop nutrient resource soil amendment and they are very specific regulatory requirements for the use of manure and that's regulated both under IDEM under their manure use laws as well as the state chemist office as used as a fertilizer, and manure is a valuable fertilizer. It's inspected regularly by the IDEM compliance staff. IDEM will make a number of initial inspections once this site is constructed in the first year. Make sure that all of the compliance aspects, that they understand and are implementing their performance standards, and then they'll follow up on an as need basis, typically every three (3) to five (5) years they'll go through a very comprehensive thorough IDEM inspection. That's to demonstrate or to confirm that we meet the performance standards. Next slide please. Those performance standards are put in place...did we jump ahead? Performance standards address

those concerns that we have heard or we typically hear voiced and that's spills, water quality impacts. Those performance standards and construction standards, the operational standards are put in place to avoid discharge, minimize pollution entering waters of the state, prevent manure releases, and the exciting piece of news is that most manure spills water quality impacts that you hear about are unregulated farms. Regulated farms, following the commitment to doing a good job, as well as meeting their regulatory authority, prevents them from having the kind of alleged accidents or issues that can occur. But if those do occur they are required to have plans in place to respond immediately and accurately to minimize and prevent any future impacts. So the manure management plan and concerns about manure application as it relates to water quality, that manure management plan requires that whoever utilizes that manure tests the soil, balances the soil fertility with a manure nutrient, the manure is analyzed at least once a year to document and confirm what that nutrient density is. Land application acres, the crop rotation, the nutrient value of the manure, and the soil fertility all go into an agronomic application and it's regulated by IDEM and the state chemist office. This farm is going to generate a very significant, valuable resource of soil amendment and crop fertilizer. In many cases it will be applied... may be Prime Foods but it is also a valuable resource and in many of these layer facilities it is marketed and distributed to other land owners. The land application acres required for this are gonna be about four to six thousand acres. That's a large number but if we look at just Warrick County alone the current animal feeding operations use less than .5% of your farmable, tillable crop acres. This farm if all of this manure was used in Warrick County would use about five to six percent. The likelihood, because it's a solid manure, can be put on a truck and moved to the areas where it needs to be used, is it may be exported out of the county. But an important factor here is that the land base available in close proximity and in the proximity of Warrick County, we could use a lot more fertilizer and a lot more manure to meet the crop nutrient needs of Warrick County alone, not only the adjoining counties. For those people who buy or take manure from the layer facility, they don't have cart blanch either I wanted to rest assured that they are regulated by the state chemist office as a fertilizer, they have to be certified, they have to be licensed in order to utilize the manure and they are subjected to the same type of criteria that a confined feeding operation would be. The protections are in place, the commitments are in place by those who use manures to minimize and to eliminate any negative impacts to the environment. IDEM as well as the state chemist office uses a nutrient standard as we have to look then beyond that nutrient standard and the onsite considerations for the local environment and there's a number of compliance requirements. These farms are required to inspect themselves and document their production practices on a weekly basis. Those records are kept in an operating record. In addition to that they have to inspect manure storages, their feed storage, any loadout or access areas, erosion control around the site, their storm water diversions, storm water protection, there's a storm water certification requirement, a storm water pollution prevention plan. So the water resources around this site are going to be protected by those kind of operational practices that are put in place not only because they are required by the regulations but they make good sense and they make good site management.

The mortality site is enclosed. There are not going to be any birds, any mortality that are out for scavengers, open to the environment. They'll be used in an aerobically compost system. Aerobic composting has minimal odors and it's all enclosed in that manure storage building or in a mortality management building to prevent the run on and runoff that IDEM is concerned with

and also to protect and prevent the appropriate use of the mortality in accordance with the Board of Animal Health.

To close out the references and the compliance requirements; there is not only the commitment from the farm to do their job right as you seen with the presentation of materials that we have seen so far, but we have to get permits. Permits from IDEM for confined feeding, to operate that confined feeding operation, to construct the confined feeding operation. If the sanitary waste water from the processing facility, the residents on site, they are regulated by the State Board of Health. A permit for a onsite sewage system will be required and that'll be handled by the local Board of Health as well as the State Board of Health. It also requires the various land application permits and if water is not available from Boonville then an onsite water supply will be developed and that is regulated by the Office of Water Quality and requires water permits to assure the water supply, protection of that water supply, and the integrity of that water supply, and that we don't have a negative impact on surrounding waters. So as we complete our reference to the compliance aspects, as I stated they will have an emergency spill response plan so if in the case there was an accident we have a plan; we can implement it immediately and we're required to notify the Indiana Department of Environmental Management within two hours and they'll be out to oversee and to inspect the reactions if in fact an emergency occurs; self-monitoring inspections and then the depth of land application records necessary in order to protect the environment. Thank you.

Attorney Wischer: Thanks Mike. We appreciate you all bearing with us. We do have a lot of information we want to get in. We just want you to know the detail to which this site has been thought out and this project has been thought out. Dan Hudgens is going to come back up and talk about the issue of health. I do want to point out for you that there are two written veterinarian materials at eleven (11) and twelve (12) in your handout. There's also at eighteen (18) and nineteen (19) some information from the United Egg Producers certified program which Prime will be involved in and has quite a bit of good information about care of the chickens and Dan will talk about all of that now. Thank you.

Dan Hudgens: Thank you Chris. With health, the major viral diseases of chickens don't typically affect human beings. There are only three (3) that came to mind. I contacted a multitude of veterinarians and one of the veterinarians who is a secretary of all the veterinarians association reached out to the rest of them through email and said provide me with some background information to help me make sure I get as much information as possible for this meeting. He would like to be here but he chose to be on vacation rather than being here tonight so I am filling in for him. Only Newcastle Disease, West Nile Virus, and Avian Influenza have the potential to infect humans under the viral diseases. Newcastle; in my forty-three (43) years in the industry I have only seen one person ever affected slightly by it and he accidentally poked himself with the needle when he was vaccinating chickens. It causes conjunctivitis which would be like respiratory, upper respiratory; quickly recovery. Poultry house workers typically aren't affected and they are the ones closest to it. No known cases where people in the nearby homes or communities were affected by this. West Nile Virus would be the next one I would talk about. Typically it's spread by mosquitos. Actually communities use chickens as an indicator to let them know if West Nile Virus is in the area and they actually place chickens out as sentinels if there's a possibility that there is West Nile because they actually will develop antibodies to the

West Nile Virus and it's detected when they draw the blood from those sentinel birds. A sentinel bird is a bird that they put out there so it can get bitten so they can find if the blood shows that it's in there. With West Nile chicken typically develop a....do not develop....the viremia that's spread by the mosquito. So it is not a factor. Avian Influenza, we've had some significant outbreaks in the United States recently so it's a really good test for us to know. How did it affect us? We eradicated approximately forty-million egg laying chickens, turkeys, pullets, other avian species because Avian Influenza is spread by wild ducks, geese, other birds that come and travel the flyways. We did not have noted any employees that were handling these birds even contract Avian Influenza so it seems to be a non-factor and the government chooses to eradicate it because it does spread quite readily among avian species and that's why the birds were eradicated; to prevent the spread from going further. We actually had an outbreak here in the state of Indiana just two years ago I think it was in turkeys.

There are several bacteria that are considered zoonotic from poultry. Most cause disease from contaminating foods so it's a foodborne illness so it's a separate issue. Typically these things show up in other vegetables and other species; the things that we consume. It's a food handling, a food safety issue; property handling, proper cooking, proper sanitation but I will cover those that would be potentially affect people as well. Staphylococci which we usually call MRSA, it could spread by airborne methods but there's no reports of MRSA infection causing diseases in either layer house workers or in communities associated or nearby the facilities that we can find. There's Shigella Toxin, which produces an E coli. Again we didn't find it in workers and didn't find it in nearby communities as well. There's also Campylobacter, it can infect chickens and thus the employees. No reports of Campylobacteriosis issues in the layer house workers, and the reason I talk about workers because we are talking about transmission and we're talking about people who are close to that potential and we didn't find it in the workers nor did we find it in people nearby. Salmonella, we talked about that briefly already but the poultry industry actually vaccinates all of the chickens against salmonella today. Something we just started a few years back because there were some salmonella in some eggs and they were caused by a producers who probably wasn't monitoring his flocks like he should have and so we actually have in place in the industry considerable monitoring going on today where we try to find, if there is any incidence of that. We do have vaccines also to try to prevent it and currently don't know of any salmonella issues in the workers or in the communities that are nearby. Tuberculosis, it's typically found in more than two year old birds and we don't keep our birds that long. So it is a non-issue. The last case that I am aware of was in 1938 and it was caused by someone who basically was in close proximity to their birds, not under the care and conditions that we would have in our facility. The next one that is on the list, I could look at Randy and have him pronounce that for me. Chlamydiosis, it's a disease that has not been reported in laying hens in the United States and very infrequently in turkeys. No known cases in the U.S. in hen layers and therefore no crossover to human employees or to the community setting. The next one on the list is Histoplasmosis. That's one that people talk about often because it is prevalent in the Ohio River Valley, in the Midwestern states in the United States but histoplasmosis is typically found with accumulation of wild birds. It is not associated with commercial egg production. It's in the soils so if you are gardening you might have some exposure to it or if you have a lot of birds that are drawn to your property through bird feeders or something like that it's a possibility there as well. It doesn't typically show up and hasn't shown up in the layer flocks. Our flocks are over concrete, under roof, protected, we have bird wire, we don't allow birds in our facilities. So we

have quite a few measures of protection for our birds and don't find the incidents, and I've been in the business for forty-three years I think if it was out there I would be aware of it and I can testify that I haven't and don't know of it being an issue.

Chris had mentioned that I would talk briefly a little bit more about the ACC Animal Care Certified. It's a voluntary program. About 80% of the industry does follow it. The other 20% most of them follow another program that may not be quite the same as but it's voluntary; you don't have to do it. Prime Foods decided that they wanted to do it anyway. Part of the requirement is that everybody is trained in the care and handling of the poultry. Everybody is taught how to make sure that they get the property feed, water, light, sanitation, in the space that's allowed for the birds and with our system; we've got the aviary system. We are going to give these birds' excessive space and ability to move about. We're taught about the safety and health and the biosecurity and all the other requirements. They are extensive and you can see that in the folder, the information that we provided for you and then there is also a website that you can go to for more detail. I'll turn it back to you Chris.

Chairman: Mr. Wischer I don't know how more you've got to go. Everybody is getting a little restless so let's take a ten minute. Let everybody stand up.

Mrs. Rector: How much more you got?

Attorney Wischer: We have property values and some closing comments on economic impact.

Chairman: Lets go ahead and do a ten minute recess. Everybody can stretch their legs, get a good drink of water, whatever you need to do.

Ten minute recess.

Chairman: Alright we'll call the meeting back to order. I believe we left off with Chris. You were moving on. Quiet down and pay attention please.

Attorney Wischer: Moving on and try to move through this last piece here. So we are still talking about remonstrators concerns. We've talked about the odor and the environment and health concerns and next we are going to talk about property values. I think that property values are probably what's on most people's minds. It's what I hear a lot about its driven by the other concerns I think. The concern about odor, the concern about environmental contamination, the concern that we or our kids may get sick is what drives the concern that no one is going to buy our house. So we, not knowing what the result would be did engage David Matthews to undertake a study of sales and market study for similar facilities or poultry farms. He is here tonight and he'll present that discussion to you.

David Matthews: Good evening. My name is David Matthews. I own David Matthews Associates Real Estate Appraisers, headquartered in Evansville. We do work throughout the tristate. I do national work but most of my work is local. We do a lot of impact studies. We do setback studies for railroads, highways, the rails to trails, we do impact studies from the utilities, powerlines, all those kind of things so we have a good background in estimating the impact of

new facilities on adjacent properties. Chris Wischer asked me to do an impact study on this property and you've heard plenty about the property, I'm not going to go over that again. The purpose of the study was to determine the impact on nearby properties, on their values specifically, from the confined animal feeding operation, the CAFO for the Prime Foods egg laying facility about five (5) miles north of Boonville. The scope of the study included inspection of the subject property. We drove to Muhlenberg County and looked at two facilities down there pretty similar, very large facilities, plus a hog operation. We looked at comparable sales, did market studies, looked at analysis of construction patterns near these CAFO's, and we've interviewed knowledgeable folks on this. Tonight I have learned a lot. I didn't know the science behind all this. I'm a simple real estate appraiser but we've heard from some of the top experts in the United States on the modern designs of poultry, confined animal feeding operations and I'm pretty impressed with what they have done and how they've done it. So I guess the question becomes did it make any difference? What is the impact on market values of surrounding properties? So let's see what the impact is. We have up here, the first thing we did when I drove down to Muhlenberg County, we stopped at the County Assessor and talked to the gentleman there. His name is Mr. Bill Alward. He's been the County PVA, they call the assessors down there, Property Valuation Administrators, and he's been doing that for twenty-five (25) years. He is also a broker, he is past state president of the PVA association; a very knowledgeable individual. Mr. Alward stated that they have had no complaints of odors from the Cal Maine facility, which is a very large comparable facility in this town. He lives pretty close by and he has never noticed any odors, but when it was built one of his associates in the office had some concerns. So he intentionally drove out on numerous occasions, to quote him, to see if there were odors in the area, any kind of problems and he did not notice any of them. He also, his job is to monitor sales of properties so he is constantly looking at properties that have some and he has not seen any diminution in value of properties near those CAFO's. He actually said that he wished Prime Foods would come to Muhlenberg County, they like those facilities.

Inaudible comments from the audience.

David Matthews: But they are everywhere. We all love eggs but the concept being, and this shows up later in the study I'll mention here in a minute. It brings economic activity to the area. It brings money in, it creates jobs, and some people want to live close to their job so this actually has probably enhanced property values in some areas. The next person we talked to was Gail Gramelspacher, Dubois County Assessor. She said that she had one person complain about a poultry operation many years ago. Probably one of the old facilities that hadn't been modernized and she has not heard any complaints in a number of years. She said there has been a number of new homes built by the chicken and turkey operations which to her is kind of an indication that there really is not a negative impact or people wouldn't be building brand new homes nearby. Then we talked to the county assessor of Jay County, Indiana. That's in northeastern Indiana on the Ohio River, on the border, and the reason is that they have a lot of major poultry operations up there. There are lot of large eggs facilities and chicken facilities as large as the subject. She believes that the hogs are more of a problem than the poultry. A new turkey house is built less than a mile from her house and she did smell odors one time and that was because they piled the manure outside on a tarp and it stayed there for quite a while waiting to be spread on a soybean field nearby. When it rained she got the odor but that was the only time. So that was not a confined manure operation which probably caused the problem.

The next item we did was a sales comparison for Dubois County and we did that because we have lots of data, they've got a lot of large facilities, its close by, it adjoins Warrick County on the northeast. The data showed that the homes near a poultry operation did not evidence any loss in value when compared with other homes in the county farther from the livestock and I can get into that in more detail here in a minute. Then we happened to find a property that had sold before and then after a CAFO was built, and it was a pretty good size about 400,000 square feet, excuse me 100,000 square feet. It sold about a year before the facility was built and it sold a few years after and it sold for \$10,000 more during that period. We have a lot of graphs in our analysis and compared sales that I can get into here in a minute but the studies we also looked at, one was from the University of Georgia, we found that online. I grew up in Georgia and my uncle had a chicken farm and I remember walking through the chicken farm and it didn't seem to have an odor then but so that was my first exposure. And that was just letting chickens roam around on sawdust. The modern facilities are just day and night difference from what those were. The experience from in doing a lot of appraisal work on various types of property other than single family homes, that would be strip mined land, industrial properties, those kind of properties and agricultural land; would indicate in my opinion is there's no downside no negative impact on real estate buys of strip mined land, agricultural land, or industrial land or industrial buildings. That plus the houses surrounding it kind of cover all the different possibilities. So based on our market research it is my opinion that the proposed Prime Food CAFO egg laying operation will have no adverse impact on the market value of the residential, industrial, agricultural, and strip mined properties in the area.

So lets get to some details. The scientists and the Ph.D.s talked about the water, the odor, they didn't talk too much about noise but I don't think there will be a lot of noise from these facilities, and traffic. My area of expertise is in what does all of that mean on real estate values. So on page six (6) of my study, as I mentioned the one study by the University of Georgia and then also Indiana Business Research Center did a study and they are the ones that found that there might be a benefit from having these and you start putting these pieces together that there's more jobs, more economic activity, billions of dollars being built in construction, land purchases and all of those things; jobs near in rural areas possibly. So those could have a beneficial effect on property values. Also you're given a copy of a study by Joel Buzzard, a certified residential appraiser who did a study on a swine operation. That's really not too useful in doing what we're doing because we are talking about poultry operations but it indicated, he found no increase in marketing times and no adverse effect on values. Another study we did on page seven (7) the new construction analysis, I hadn't even thought about that as being a measure of impact on adjacent properties but the assessor from Dubois County, Gail Gramelspacher said that was what she was thinking about. Does this have an effect? And people willing to go out and spend a hundred to two-hundred thousand dollars on a new home within a fairly short distance from these from facilities would kind of indicate that they don't think they are going to lose any money on the property. I thought that was an interesting approach so we looked at that. On page eight (8) you'll see in red, the red pins are the properties, the CAFO properties and when they were built and you'll see the yellows are the single family homes that were built mostly in the northeasterly direction, that's where the predominant wind velocity is so that is where we concentrated it, you'll see lots of new homes being built fairly close to those new facilities being built.

Now if we can get down into the weeds a bit and go to page nine (9) we're talking about comparable sales. Here we've measured the distance from the CAFO sales. Took a large database, this is in Dubois County and also in Jay and Muhlenberg, but we measured from the CAFO to a house that sold and we measured that distance; how far is it? Half a mile, a mile, a mile and a half, two miles, three miles, whatever it is. You'll see on that graph on page nine (9) the distance. It shows all of the data and then the average line drawn by the computer, it'd be the linear aggression line, and the number reflects the mileage from the CAFO to that home sale. If these were having a big impact you would see all the ones that are less than a mile from the CAFOs being below the line, below average and all the ones that are two and three miles being above the average line. That's not what happens. It doesn't make any difference. You see these numbers here and the .5 which are a half a mile away are pretty close to the middle of the line and even are above and the ones that are below are .3 miles and one and a half and one and two miles and three miles. So there is nothing in this general, and this is just a real rough approximation of what may be going on out there. We're going to get down and look at some very specifics next. In Jay County I took sales and looked at them on a price per square foot because that tends to explain most variation in the real estate market. If you're looking at similar homes maybe selling for \$100,000-200,000 you start looking at price per square foot that may narrow it down to \$60-70 a square foot so that's really how you analyze data. That graph on page ten (10) shows the adjusted, and those were adjusted for date, size, land area, age, garage, and the data all falls along a pretty good line and again you'll see the distance from that sale to the CAFO. No relationship; it doesn't seem to make any difference if they are a half a mile away or three miles away. We did the same thing then again for Muhlenberg County on top of page eleven (11). It didn't draw a line there but it just shows that the, not a whole lot of data there, getting data out of Muhlenberg County is much more difficult than properties in our MLS areas in Indiana. At the bottom of the page, unadjusted Dubois County sales analysis, the red dot there is a very specific home, 8208 North Hickory Grove. It's very close to a CAFO and the other sales are just similar sales that occurred at about the same time. It shows it sold right in the middle and maybe a little on the above average side and we do the same thing on twelve (12). We've got the property at 7699 North Hickory Grove Road. It sold kind of right in the middle of the other properties away from CAFOs sold. Did the same thing for 9203 Hickory Grove and then 7233 East SR 56; same thing. All of the sales...if these were having a negative impact these red dots would be below all the other sales. They are not. So we did a direct sales comparison where I took and this is in the addenda, where I kind get down into the details, and I'm not exactly sure how to tell you where to find it in the addenda but what you're going to end up finding is...let me take my report apart. About that many pages from the very back you will see some charts that look like this. These are sales grids; this is what appraisers use all the time. What I have done is take a property that is very close to a CAFO, as a matter of fact on the next page you will see a picture of the property and this happens to be the first home, 8208 North Hickory Grove. There's the property. It's a brick ranch with a nice garage. Next page shows you that the red dot is surrounded by CAFOs. There is one, two, three, four, five, six, seven CAFOs all fairly close to this property. So the one that is real close is, one the next page, is six-hundred and four feet (604) from the back of this house. So you would think if it is going to have some effect that property would have sold for less than the comparables. That is where we come in, we take this set of data, 8208 Hickory and I compared it to sales, these were all in Dubois County because that is where all of the CAFOs are. Two properties in Huntingburg, one in Jasper, one in Ferdinand, one in Dubois, and another one in Jasper; there are six sales here. If

you take all six and you look at what are the best comparables, this property sold for \$180,000 it had \$5,000 in concessions so the net price is \$175,000 that sold in 2015. Again it is six-hundred (600) feet from a large CAFO. After looking at these sales the indicated value for this property was \$176,805 or \$1,805 less than what it sold for, excuse me more than what it sold for. So it indicates a 1% difference. That is within the margin of error. You really can't say that that had any effect on it. Then we look at the next sale. We go ahead and I've got three of these things down there and the summary. That's how I did it but I'll give you the summary. Well here's another one. This one is 6233 North Dubois Road. It's in the back. It's...these pages are unfortunately not numbered. I think it's the first ones after the set of maps. They show the wind direction and those things in the addenda and this is the property right here. 6233 North Dubois you can see all of the CAFOs around it. This property is six-hundred (600) feet from another one. So I tried to take the extremes. If you get down to six-hundred (600) feet and it is not having an impact; if you are a quarter of a mile away it's not gonna have an impact. So I looked at that property. I took six (6) sales....five (5) sales excuse me. It had an indicated value of \$118,000, it sold for \$117,500 so its again right there. \$500 within the margin of error does not indicate there's any measurable difference between a property six-hundred (600) feet from a CAFO and a big one and homes scattered about the countryside. I took another one, if I can find it, there's another one in there you can read at your leisure but I will give you what it said. It said that the adjustment on that one, it actually sold for more than what the comparable sales had indicated. Here it is. It looks like that. That property is located at 7233 East SR 56. Nice ranch surrounded by...it's .4 miles from a large facility and there's several other ones in the neighborhood and the adjustments on that one...the property sold for \$180,000 less \$3,000 in concessions or \$177,000 net in November 2012. The comparable sales averaged \$160,423 so it indicated it sold actually for more than what the comparable sales would indicate. It was .4 miles so it had really no effect either. The one property that I had mentioned to you that had sold before and then after, that property is the same one I just talked about. The home at 7233 East SR 56 located nine (9) miles north of Boonville three (3) miles north of Dubious, it is similar out in the country as the subject property, was sold both before and then again after a new CAFO was built. The first sale occurred September 2007 at approximately \$125,000 with no concessions. In 2008 a 100,000 square foot turkey facility was built 1.3 miles southeast of the home. The home sold again November 2012 for \$135,000 less \$3,000 concession so it sold for almost 6% more than what the prior sale was several years before. The assessor shows no physical changes and during that time period the prices were they first dropped and then they came back because that was during the recession. But this home recovered very well, better than most homes in the southwestern Indiana rural areas. Again it indicates no adverse effects of the addition of a large poultry facility in the area of the subject property.

So everything we looked at, we never found any evidence that this should be a loss in value due to the construction. And now I think I understand a little better because they are controlling the odors and that's I think seems to be what most everybody is concerned about. That if you have a house you don't want it to smell bad but if they are able to control that through the dry fertilizer process and the confinement of the manure it makes sense that it would have minimal impact on the adjacent and surrounding properties. Going into this study I wasn't sure what I'd find and I told Chris that but it looks like there is no evidence that the properties near this this facility we adversely suffer especially if you look at the predominant wind directions out to the northeast and they are going to be planting trees as buffers, as a matter of fact one of the people that we

interviewed said the trees tend to catch the odors. That was what her experience had been; the person that lived fairly close to one. So it was an interesting study. Let's see if there is anything else here that I need to cover. As the final opinion, a couple of slides later, the proposed Prime Foods CAFA egg laying operation will have no adverse impact on the market value of residential or industrial properties in the surrounding area and I'd also add in there the strip mined land or agricultural land. That's all I got.

Jim Federoff: It's been a long evening and I'm not going to make it that much longer. My name is Jim Federoff. I am an attorney with the law firm of Carson Boxberger. My office address is 301 West Jefferson Boulevard, Suite 200, Fort Wayne, 46802. I've been asked to offer some observations and information that I learned in a recent case that we handled in Jackson County. By way of quick background I've been practicing law for over 41 years. Most of that time has been in real estate and land use. I represented on the county Plan Commission Board of Zoning appeals from late 70's to 1989. Since that time I have represented private developers and property owners in various land use matters. I've handled agricultural land use matters for over fifteen years involving basically all types of livestock. Chris summarized initially and he'll be covering it again for you in conclusion, the six criteria that are required to be satisfied under the Warrick County Zoning Ordinance for a Special Use to be approved. The one that I think involves property value issues is the second one which is whether the use as developed will adversely affect the surrounding area. The Jackson County case that I was involved in involved a four-thousand head swine production facility and in Jackson County it is a Special Exception. Kind of like a Special Use, pretty similar, the criteria are a little different but property values are still an issue. The remonstrators at the BZA hearing presented some appraisals, I think there were three or four, and we didn't have an opportunity to see them ahead of time so you couldn't really analyze them, but what we subsequently found the Jackson County BZA approved this Special Exception for the CAFO facility and some of the property owners nearby filed a judicial review to appeal it to trial court. In the trial court proceedings we had an opportunity to depose the appraisers who offered these appraisals and also to investigate them more closely. What we discovered was that they all had fatal flaws. Those flaws included the appraisers didn't analyze sales of existing properties near CAFOs and some of the information, the assumptions they used to reach their conclusions were actually provided to them by the property owners rather than their personal investigations. All of the remonstrators appraisals involved in that case concluded that there was a substantial diminution of value for the parties involved. What the appraisers all did was, they all testified, I read these reports, I talked to some other appraisers in the area, some of my peers, and we all concluded that there must be stigma so because of that I conclude that there is an across the board reduction value of some said 15%, some said 25, some said 30 but that's all the information that they had upon which they base their conclusions. None of them compared or analyzed impact on property values of the properties involved by reviewing comparable sales or other actual market data in Jackson County or anywhere else in Indiana. In our case Mr. Matthews was engaged to perform a market study based on similar livestock operations. He did a quick summary for you. His report is well reasoned and I think very thorough and professionally done. His report as he said is based on actual market data, not opinions and reports of others although he looked at some of those reports, but he looked at sales near comparable facilities like we are proposing, poultry and egg production facilities. In the Jackson County case we engaged Joel Buzzard who is a certified residential appraiser to analyze whether the petitioners in that judicial review case would suffer diminution value of their

properties. A complete copy of Mr. Buzzards market study at tab fourteen (14) in the hearing brochure and just to summarize the conclusions that Mr. Buzzard reached in our power point, and again this is in your materials but he analyzed sixteen (16) residential properties in Jackson County in June 2015 which were located within one mile of CAFOs that existed. So this was an actual market study conducted by an independent certified residential appraiser. He's not some hired gun that the agricultural industry goes and gets his professional opinions to support their projects. He is independent and I thought did an excellent job and hopefully you will agree when you look at his study. The purpose of his study was to determine the impact on value of those properties based on the proposed CAFO that was involved. The conclusions he reached included a number of very important items that I think are applicable in our case too. The first was that no statistical evidence of value diminishment of properties proximate to CAFOs. He also found that those properties exhibited liquidity and value consistent with other similar homes in rural Jackson County and the average days on the market were well within the acceptable range of market exposure. The other conclusions that Mr. Buzzard reached was that he found buyer indifference for presence of CAFOs and overall acceptance for their presence and that there is no statistically-based evidence indicating destruction of market value by a proposed CAFO, or which could be a basis for negative adjustments using Sales Comparison Approach to Value. So his conclusion, like Mr. Matthews is that in Jackson the real estate market did not prove an adjustment of value would be necessary based on actual statistical evidence found. His conclusions are on the sixth page of that report and the power point just summarized them.

What I think you are likely to hear tonight or to see are if you are presented with appraisals from remonstrators then I think you will find that those appraisals are also based on reports of others to support the opinions of the appraisers that those properties identified will be devalued and what you are likely to find I believe in those reports is that they contain opinions or conclusions that are based on outdated studies; some of those are going to be more than twenty-five years old, which if the reports are twenty-five years old they necessarily must be based on data that's even older than that. You'll also find those reports reference involved other types of livestock from geographical areas outside of Indiana and not based on actual recent market data. Most importantly I think you will find that any report submitted to you to convince that property values will be diminished don't consider recent technological advances and changes in manure handling and mitigation techniques. You've heard from Dr. Veenhuizen on what's going to be done to protect, to mitigate the impact of the operation and other information that you've heard tonight. I don't think that you will see that same type of recognition of what's being done now not what these facilities were like twenty-five years ago or more than that. So it's very important to consider the current technology. We believe that Buzzard appraisal supports Mr. Matthews's conclusion and that we would hope that you take it into consideration. Thank you.

Attorney Wischer: Thank you Jim. The last couple slides on property values; Mr. Matthews mentioned that the IU study, there's a 2008 study performed by the Indiana Business Research Center. It is often quoted in a lot of different materials. It was the first thing that we looked at when we were looking at this issue of property values. That was a study unlike some of the studies that Jim mentioned that you may hear about did study actual real estate transactions. They also surveyed real estate professionals and community leaders about their perceptions. The conclusions on the next slide are that the proximity of non-town residence to CAFO did not necessarily have a negative impact. That was contrary to perceptions of professionals,

particularly realtors who in this survey perceived that there would be an impact even though the data showed that there was not. They concluded that unsubstantiated statements that CAFOs have negative impacts are not supported by findings, and you may hear some of that tonight. All in all we started with the '08 I.U. study. I was provided with the Jackson County study which bolstered the I.U. study but what we didn't have with anything dealing with poultry or anything dealing with nearby facilities or facilities that were going to be similar in some cases to ours. That is why we commissioned Mr. Matthews, not knowing what we would find but hopeful. I've been to the Muhlenberg County site. I have driven down there. I've driven around. There are two sizable facilities. Two-million chickens in one, a million and a half in the other or something like that within two miles of each other. There are residences, brand new house going up across one, you may hear more about that later from some other folks that I know have been down there but when you drive around it and you can't smell it and there's people outside playing in their yards and there's a school nearby, now you can understand why. That was my first time to actually see how this all plays out. That's the property values. We've had studies done. We have shown you the evidence and the data that this facility as operated will not have an impact on property values.

A little about economic impact and then I'll conclude. If you will skip forward Randy. I said I wouldn't talk about the workforce; I already talked about those things. So let's go to economic impact. Project investment, phase one about fifteen million; phase two a total of forty-five million; by phase three there will have been seventy-million dollars invested in this project on that site. Point out that property tax caps on this farm property, I checked with Indiana Farm Bureau and their tax folks say that the caps on that are 2% on the land, 3% on the buildings and improvements so that's a substantial cap tax revenue for the county. Employment as we discussed earlier should be 70 or 80 jobs created by phase three. Next slide. This is interesting information that we received, it's in one of the Indiana Farm Bureau brochures that you have in your materials and this is on the cost of community services. It essentially shows that agricultural properties have a smaller average cost of community service than residential and business properties. So on the whole as far as the cost that it takes you the county to provide services to those properties it is smaller than other types of properties. On the next slide it shows you the ripple effect. That's also taken from Indiana Farm Bureau information. This is the regional impact of a two-million layer complex. If you look at the materials we have there, there is a brochure and one of them has this information. It is a two-million layer complex happens to be, the regional impact of a two-million complex; \$61.1 million to \$100.6 million; \$8.4 million to \$15.9 million in additional income. Jobs created; 265 to 456. This is what we call the ripple effect this is because local folks will be selling their materials for the grain for the feed. Local drivers will be driving the trucks that take the manure out, bring the eggs there. The ripple effect of Indiana agriculture is pretty staggering and it will have a positive impact here in Warrick County. Last economic impact slide is about animal agriculture in general. That is the whole state; what agriculture in this state means to this state. I don't need to repeat those you can read them yourself. And so we'll go on and we'll conclude.

That concludes that evidence. That concludes that facts that intended to present to you on all of the issues before you about the site, the location, the facility, the operations, and to deal with the remonstrators concerns that we are aware of. So back to your criteria; this is where you have to apply these facts to these criteria and find that these criteria are met and then you can approve

this Special Use. The first criteria is whether the specific site is appropriate location for this use. This site was not picked by accident. It is an adequate site for this use. You've heard the experts testify to all of the elements of this site that make it so. It's an agriculturally zoned area. It's about 600 acres so it's sizable. It's isolated both in proximity to the city of Boonville and due to the surrounding forest and trees that surround the property. You've listened to the experts talk about the odor model and how odor will impact nearby residences. Wind setback distances from residences are all appropriate for this project. It has state access to SR 61 so the trucks will go along the highway from 64 from Boonville or to those places and will not have to go on county roads. It has been suggested that perhaps this project could be placed somewhere more remote from this. The further we get away from the highway the more the trucks have to travel on the county roads so there has to be some balance there of being near that transportation infrastructure and the proximity to the current operations. For Prime Foods this is an ideal site because it is close to what they have. Their one-million eggs per day can be transported five miles into Boonville rather than 700 miles from northern Indiana or Ohio.

Next point: whether the use as developed will adversely affect the surround area. Again you've heard about the odor model. You've heard about the environmental concerns and how those are addressed through operational techniques, fully enclosing the site, preventing storm water runoff, manure management plan, making sure that we have dry manure that is fully enclosed and under roof all the way until it's put on the trucks at 45% moisture. You've heard about IDEM regulations that regulate how that manure is spread on other properties and the testing and everything that has to go with that. You've heard about health issues and the fact that there are none to speak of. There are health concerns because manure can create the gasses that create health concerns but the way this is gonna be operated and the way egg laying facilities are operated there is no evidence there are actual health impacts of these facilities. And you've heard about property values. Probably the biggest concern that these folks have is the impact this is going to have on their property values. Given all the other things that we have talked about; the screening, the manure management, all those things boil down into what Mr. Matthews said, no impact on property values. And that is through studies of actual transactions; three different studies; one most recently on similar properties by Mr. Matthews.

Next point: whether there will be nuisance or serious hazard to vehicles, pedestrians, or residents. Some of what I said for the second one applies here. How we are going to impact the residents surrounding the area. Also as far as traffic, vehicles, pedestrians; again the trucks, SR 61; there is no significant pedestrian activity out there but we keep all of these heavy trucks on the state road and not on the county road. It will be fenced so it will be secured and again on the issue of the residences we've talked about the odor model and all the science that goes into that.

Next: whether adequate and appropriate facilities will be provided for proper operation of the uses. You heard a lot about that tonight. You heard from Dan Hudgens and he talked about the exact operations and how he's designed those to limit manure odor to make sure that odor is encapsulated, mitigated and contained onsite. You heard about the air particles that are going to be caught. Those that do escape are caught by a mechanism on the outside. You've heard about the trees screening. So as far as there being...it's clear that Prime Foods is willing to make the investment necessary to make sure that they are adequate and appropriate facilities for operation of this use.

Next: Whether the use is in harmony with the Warrick County Comprehensive Plan. I talked about that early on. I showed you the Comprehensive Plan Map. The projected land use is agriculture. I told you about the goals and objectives in your Comprehensive Plan that match this facility. Promotion of agriculture and agribusiness and cautionary statement about using reclaimed mining ground for residential development. All of those come together in this particular facility.

And finally: Whether the use is essential or desirable to the public convenience and welfare. It is a pretty catch all, broad deal; public convenience and welfare. This community as all communities needs food. Prime Foods is a big contributor to this community in that regard and other regards. This project will have an economic impact on the county. We have fewer agricultural acres every day. More need for food supply every day. This brings that home and make Warrick County a part of that equation. There will be taxes, the ripple effect, all of those things that we discussed and then again, not a negative impact on the residences. There is a perceive impact but it doesn't bear out in reality. So with that, those are the six criteria. I think we've laid out the case that you can find that the six criteria have been met; that this Special Use number 5 for a confined feeding operation should be approved. Thank you for your time and attention and I know it's been a long night. We had a lot of material that we wanted to get into the record and get with you. I can't remember what's next on your process if it's questions...

Chairman: Yea, I'll open Board to questions. If you just want to hang tight. At this time I'll open the floor for questions from the Board of either Mr. Wischer or anybody that has already spoke this evening.

Doris Horn: How many actually of these chicken farms are there in Dubois County that's particular like this one here?

Attorney Wischer: In Dubois County?

Doris Horn: In Dubois County. I know there is one in Saint Anthony.

Attorney Wischer: Im aware of...as far as like this one here there is probably not any that are exactly like this one because these are new technologies.

Doris Horn: Yea, new technology but similar to this.

Attorney Wischer: Right. Does anybody have that information about Dubois County? Mike is looking that up.

Doris Horn: The reason I am asking is I did go up to Saint Anthony and I did visit that one. And then I want to go back to the value of property. A lot of the families, because I'm from Dubois County, a lot of the families are large. Most of the farms are large, therefor I find myself with having family into different types of farming that at this age, that a lot of these homes that you are talking about that are building and selling; they are selling and building next to these facilities because it's family related. It's nothing like I want to build a house right next to this

facility that they are going to take over one day as a family business. That's what I wanted to bring up and when I was at the one at Saint Anthony the gentleman was real nice, of course I could not go in there to visit, but he talked to me...and I actually didn't smell nothing and he was right on the highway and his house was across the road. The flies were so bad you couldn't hardly talk. He did talk about his was a two-story and how that when they had to get rid of the manure, that's when he said if the weather was perfect you could possible smell it.

Attorney Wischer: I am not familiar with that site. Do you know what site we are talking about? It sounds like a high rise facility. Doesn't it sound like a high rise facility?

Doris Horn: It's a two-story facility...because he said he knew kind of what you were going to build and that you would have the state-of-the-art program.

Attorney Wischer: Maybe we should have addressed this in our talk although it would have been longer. There are different types of facilities. One particular facility for example is a high rise facility. A high rise facility and Ronald can explain it better than I can, but as I understand it the chickens are on one or two levels but all of their droppings drop to the bottom and they stay there on the bottom.

Doris Horn: Yes, he explained that to me.

Attorney Wischer: And then they sit there on the bottom for some period of time and it can be as much as three to six months before that is cleaned out. That sits on the floor and when it's cleaned out and is disturbed all of that nitrogen, everything that is in there, emits the ammonia. The ammonia is released and that is what causes the odor. That's why for example when you hear about these Tyson plants that people in Kentucky or wherever and they smell the odor for a long way; the manure sits on the ground for a long period of time, accumulates and then they come in a scrap it up and that's when the odor is emitted. This project is designed to eliminate that concern. This project is designed, as Dan said, they hit the manure belt, they go through that process where they are dried continuously while they are on their belt until they go out of that facility. They are encapsulated and then the nitrogen stays in. So you don't have that periodic cleaning where the odor is emitted and that's one of the technological advances that changes that dynamic.

Doris Horn: Well like I said there was no smell. I was there and there was no smell but the flies were absolutely horrible.

Attorney Wischer: And there is manure sitting inside that facility on the ground and that won't....the manure in this; every drop of manure is removed from that building in three days.

Ronald Bennett: Chris, Dan addressed high rise for a second and can explain why there's flies.

Attorney Wischer: You want explain that? Dan, as I am told can explain why there are flies.

Doris Horn: Yea.

Dan Hudgens: I have actually had personal experience with high rise facilities. The company I worked for started purchasing other companies so we bought some with high rise. What happens is the manure builds up over a period of time. Sometimes as much as a full year before it is removed from the buildings. Any moisture gets in that manure and there is no air flow over that manure that's specific to that then you get fly breeding and it is one of the major costs in maintaining a high rise facility is fly remediation. And that facility is a high rise facility.

Doris Horn: It was clean. There was absolutely no smell. I asked him where they take the manure from there and he said it all goes to Warrick County. That's what the man told me and Anthony knows exactly who I am talking about but I did again want to point out, because I have family up and they've got turkey farms and cow farms and everything but a lot of your kids and a lot of these people know that if you have a big farm that your family, the grandkids or your kids gotta come back to help mom and dad. They are buying and I know for a fact that my family, they are building big homes next to these facilities because this is what they are taking over for their grandchildren, for the next generation. So as far as analysis, as far as property value, to me it doesn't say anything because they are going to pay the price to be next to mom and dad's farm or grandma and grandpa's farm.

Attorney Wischer: And I understand that. There is not any evidence in the records though that those are family sales and David is looking through his sales now and I think he may have some information on those sales but we've got three different; we've got Dubois County, Jay County, we've got Muhlenberg County. One of those Muhlenberg County sites, there's two of them; one of them is a cage free which will be similar in a lot of ways to what Prime Foods will do. The other facility is a high rise facility there in Muhlenberg County so it will be similar to what you said. But there are technological, there are operational elements of this with that according to Dan eliminates the issue of the flies.

Doris Horn: I wasn't arguing with the sale value or nothing I just wanted to let everybody know that generations now, they are out to go help mom and dad and grandpa. So for them to be building close or buying even somewhere close is very possible now.

Attorney Wischer: Right, and he analyzed a lot of sales and maybe there were some of those in there but I don't know that. Do you have anything on that David?

David Matthews: We've found about 24 four sales and that is a lot of people moving back so...and they are all concentrated in a fairly small area. I think the largest was about a five acre tract so these are not large farms that they are buying. Could be right on some of it but not all of it I don't believe.

Doris Horn: Sure.

Mike Winge: I want to add a little bit to what she is saying. In the past, I've got a lot of experience in building as a Building Commissioner in the past and I'm a contractor as well. So I am very familiar with homes and resale. As a matter of fact I ended up buying property and had it for several years only to find out that I got a landfill close to it and in all fairness I had my piece of property appraised because I've built several new homes and sold them and I'm within

probably $\frac{3}{4}$ of a mile from the landfill and the quality of the house; there's a lot of factors that is in there that is not being mentioned tonight so in fairness I actually had my house appraised by two appraisers and then I turned around and sold my house myself through Craigslist and I asked \$25,000 more for the house and sold it for that because of the quality of the home and the way it was being built, not a large home. So you are giving a lot of information back and forth on people and homes and stuff and all I am saying to everybody is a lot of these appraisals and lot of this stuff comes in and I don't think it is as quite as fair as what it seems to be. I don't see an indication because I have sold several pieces of property close to facilities that you wouldn't think people would want to be by and actually got a lot more money out of them. So in fairness I think that can go both ways on the property values. A lot of it depends on what people go looking for is how they are laid out, how the houses are built, the yards, all kinds of things factor into here and they are going to take a house if that's the one thing that keeps them away from it or whatever. In fairness I see that a lot myself in that issue.

But I have several questions that I want to ask and I do want to be fair about all of this while I do ask questions. One of my questions is that manure you are talking about moving to the storage building is that an open building after it is conveyed over there?

Attorney Wischer: It has some ventilation in it...do you wanna...

Mike Winge: So I probably have questions for him then.

Attorney Wischer: Yea he's good. I'm just a lawyer.

Mike Winge: My question is I know it's contained, it's on a conveyor belt, it's kept over the concrete and so forth but when it gets to the storage, the actual storage building, is that vented and I remember the drying process and my question would be is it open and how long does it lay there before it moves is my first question.

Dan Hudgens: It is vented and so it is open to that nature. The concrete walls will be 14 feet high. Have doors on the ends and close that way. The actual truck loading will occur inside the buildings as well for protection of the ground water and the storm water as well. What other...

Attorney Wischer: He asked about the time it would sit there as well.

Dan Hudgens: The timing. The Indiana IDEM requires 180 days of storage. Probably will be...we are actually designed for a little more than 180 days just happened to be that way because of square footage we came up with in our design so we'll be over that. But demand will certainly dictate how quickly it moves out but we already have been contacted by people who are interested in our product.

Mike Winge: Okay, second question. I noticed you talked about getting water from Boonville and I know for a fact that on the south side of Boonville because the new tower built water pressure is dropping significantly. So I am a little concerned about that. I don't how much water it would take for the facility.

Dan Hudgens: Ronald could address that a little bit better but I will tell you that there will be significant storage; more than a 24 hours need of water on site. So that will be filling in the night when there is not demand. That's part of the design.

Ronald Bennett: The city of Boonville is going through some expansion planning right now. We've been working with them very closely to decide what they need to do versus what we may need in this area and what's the best way to accomplish it. Like Dan mentioned, the way that we are going to fill with our tanks they will be filled during the night, use out of the tanks during the day, and refill during the night. A couple of things that we've talked about the last few weeks; we know there is a 6 inch main coming out there that they can extend, the question becomes do we, the city, or do we jointly want to put a tank. There's some higher elevation on some of the property that it would make sense to put a water storage tank. It would make sense for the city to do that and that would create some increased pressures and velocities and help them with what they are trying to do outside of the Greenbriar area as well.

Mike Winge: Next question. We've talked about onsite inspections. Who does it and how are they qualified?

Ronald Bennett: IDEM, DNR...you're the expert there.

Mike Winge: You said self-inspections and records kept. My question specifically is if it's self-inspections for them to look at who does that and what kind of training does that person have?

Dan Hudgens: If I understand your question you are asking about the self-inspection by the farm and so that would be a qualified farm manager who's familiar with the operational details of the farm and with the requirements to meet those performance standards. Then those records are kept on a weekly basis in addition to a number of operational records and then they would be reviewed and inspected by IDEM's compliance staff who are trained as environmental scientists. Some of them are engineers. They have a variety of technical backgrounds that come out and inspect the sites on a regular basis.

Doris Horn: Do you do monthly reports or would they be weekly reports to IDEM?

Dan Hudgens: The reports to IDEM are kept onsite and then they are reviewed upon request by IDEM. In the first 12-24 months IDEM will make 2-3 inspections and then after they have confirmed that everything is going well then they are typically on a 3-5 year compliance inspection and they immediately respond to any complaint submitted to IDEM.

Doris Horn: So does the supervisor that will be looking over this plant, is he the one that would be signing off on these for IDEM?

Dan Hudgens: The supervisor?

Doris Horn: Your supervisor at the plant.

Dan Hudgens: Yes.

Doris Horn: Would be responsible for the report that he's sending in to IDEM.

Dan Hudgens: That's correct.

Mike Winge: Emergency spills. I know a while ago you had mentioned that it has to be turned in within like a two hour period and then it has to be dealt with. What type spills and how is that handled?

Dan Hudgens: That is an excellent question. Thank you for asking that. The emergency response plan is meant for any unintentional discharge of manure or processed waste water. If it leaves the property and enters another land owners property it is considered a spill. If it enters waters of the state or waters of the United States it is considered a spill or discharge. They have two hours to report that and then in the emergency response plan all of the actions that would be taken immediately as far as equipment necessary, persons to be contacted which would include the local emergency response as well as all of the responsible parties for the farm. Then IDEM will send out their response inspectors to review that and then once all of that is done then they send out their compliance inspector to close the loop and make sure everything is back.

Mike Winge: One more question. You said you use the main roads coming and going and hauling manures. If you take it to farmers how is it going to get there without being, with the big trucks on the county roads.

Attorney Wischer: Well I think surely once it leaves the site and goes to somebody's farm it is going to take whatever roads it needs to take to get there. I was primarily talking about the operation of the facility being on 61 and the trucks coming and going from the facility getting to access to SR 61 and directly to 64 and then down to Boonville as necessary. Those trucks do travel on county roads. They do that today but I was only talking about as it relates directly to the operation of the facility.

Jeff Willis: I've got some questions about in the initial video that we watched it talked about desirable jobs. What kind of pay rates are those jobs in?

Attorney Wischer: You mean for this project?

Jeff Willis: Yes for this project.

Attorney Wischer: I don't have the pay rates I have types of jobs. Do you have that information?

Ronald Bennett: Just briefly there is a document that we can provide to you where we have summarized the jobs by phase. I thought that was included in your booklet but apparently not. We will get that to you.

Attorney Doll: Not if we close the record.

Chris Wischer: We will get it before the record is closed.

Ronald Bennett: If we email it to you is that acceptable?

Attorney Doll: Record closes at the end of the hearing.

Ronald Bennett: Im going to email it during the hearing. Is that acceptable?

Attorney Doll: If you can get it to us, yea.

Ronald Bennett: Basically your manager, your complex managers are 80,000 to 100,000 dollar guys; depending on experience and so forth. Your supervisors are going to be in that 15-17 dollar range and typical workers 13.50, 14 dollars probably.

Doris Horn: Is it going to be local people?

Ronald Bennett: As much as possible.

Mike Winge: Are there benefit packages with that or is that just the salary?

Ronald Bennett: It would be the same benefits packages that we have currently; its health insurance, dental insurance, 401K; those type things. I know there has been a lot of conversation about migrant workers or undocumented illegal workers and so forth and I'll go ahead and address that now. About 42% of our workforce at our plant is Latino and there is a reason for that. We can't get workers from Warrick County, or Vanderburgh County, or Spencer County to fill those jobs. We did not start out with those positions being Latino or foreign workers but they are all legal workers. We have a very stringent process that is required for us to go through to hire anyone. They have the same opportunities anyone else does so if those jobs...they are listed. They are available for everybody to apply. The most qualified people will be hired regardless of age, race, sex, whatever. That's the law.

Attorney Wischer: I found the email if you want me to...I'll just read through it real quick. So phase one. There will be one pullet house in phase one. There will be a supervisor and three house employees manning that pullet house. In the two layer buildings in phase one there will be a supervisor, a maintenance person, and seven house workers and then one general manager of the whole facility. I don't have the rates on this email but they are what Ron was just speaking to but those are the types of jobs that would be there. Phase two: Supervisor pullet manager, and house employees, seven of those. In the four layer buildings there will be the supervisor production manager, two maintenance people and twelve house workers; processing plant; one processing manager, a mechanic, two supervisors with machine skills, and eighteen other hourly workers and a general manager. When it is fully built out we have a supervisor pullet manager, ten house persons, in layer buildings we have a supervisor production manager, four maintenance workers and twenty-four house workers. And then the processing plant where the eggs are processed and packaged; one processing manager, two supervisors, two machine mechanics and twenty-eight other hourly workers and a general manager. That doesn't include

the feed mill which would require a feed mill manager, two operators, and a driver and any employees that are hired for manure management depending on how they decide to handle that.

Mike Winge: The construction on the site, is that going to be...are there specific companies that put these things up? Or do you do local people or how does that happen.

Dan Hudgens: Because these facilities are not typical construction it does entail bringing in outside construction crews to a large degree, but it also does entail them hiring local people who are skilled. From a leadership standpoint it takes some....and going back a little bit on the pay in the industry. When I entered the poultry industry it was a very low paying industry. Today it's not the case anymore. It actually has great pay, good benefits, and we are struggling to bring in young people into agriculture for pay if you are getting a college degree go into agriculture.

Doris Horn: I know this is early in the game but if this would go through, Mr. Kramer, let's say in several years this is very successful. It's went through, everyone has accepted, you're maybe talking eight to ten years down road, do you think you would expand? And buy more acreage and make it bigger even what it is now.

Jay Kramer: Are we able to do that if that's the case? I don't know if we've even got that far yet in our plans.

Doris Horn: Would you consider it?

Jay Kramer: I don't think we would consider that site. We would probably want to try to do something else.

Ronald Bennett: My comments on Bird Flu earlier, it's changed a lot of the way that we look at farm sites now. My position as his advisor is that we'll never have more than a million birds on a site. We would want to go to another site. The reason we are permitting for two million is that you don't know what is going to change. We just want to be prepared for the future as best we can. I can sit here and tell you honestly I don't have any intention of putting more than a million birds on that site but I can't tell you what may change to make us do something differently either but it won't be more than two million.

Jeff Willis: On the buildings. You said you had some buildings in Georgia and Ohio that were coming to the end of the buildings life cycle. How long do you expect these buildings to last?

Attorney Wischer: Do you know that Dan? Twenty-five plus years; Dan is saying twenty-five plus years. As far as they will be maintained well and kept in good working order.

Dan Hudgens: The amount of money that is invested in these kind of facilities isn't like how they used to do. We used to farm for as low a cost as we could get into the facility. These facilities are going to be state-of-the-art. You don't build a facility of this type and of this cost and make it last a short period of time. It would be a long term project and it would be good for the county and for this community for the long term.

Jeff Willis: At the end of the twenty-five years what typically happens with this type of building? Do they tear it down and build something new? Is it just more maintenance at that point?

Attorney Wischer: You may want to come back up here. When they are done with their useful life what do you do?

Dan Hudgens: The quality of these types of buildings typically the quality that this will be they will retrofit the interior to the latest design and upgrade and continue on.

Attorney Wischer: Anything else?

Chairman: Sorry I am looking through my notes. Mr. Hudgens if you want to step on back up here. And I have just a couple of questions because I think you brought up the mortality and the composting them. Could you, for the lack of my knowledge explain kind of that process to me?

Dan Hudgens: Basically you take and put a bedding material; woodchips or straw or something like that down.

Chairman: Okay I know about composting but as far as the carcasses.

Dan Hudgens: You just bring the daily mortality of that and then you put a covering over it of the same material and let it sit static and aerobically for about 90 days and at the end of 90 days you won't be able to find any portion of the carcass anywhere. The reason you leave it 90 days is because when you stir it too soon you may stir into some odor. You might try it earlier than that but typically you like to leave it a little longer to make sure that the odor doesn't happen. I've actually talked to some of the large scale hog operators in the state of Indiana as well and they are even composting dead sows. You're talking about a 5-600 pound animal at times and they say at the end of 90 days you don't find any parts.

Chairman: You brought up daily mortality. Is there an average number on a facility that...

Dan Hudgens: One phase one we'll have about 500,000 egg laying hens on site. If you look at the charts that are provided by the breeder manual and personal experience would uphold that, you're looking at about 44 birds per day if you had all 500,000 in production at the same time.

Chairman: And you said that the compost is sold to...

Dan Hudgens: It will be kept separate from the manure and it will also have nutrient analysis and if it is appropriate for someone then they can purchase that as well.

Mike Winge: Enclosed?

Dan Hudgens: Enclosed, 100%.

Chairman: One more, you brought up when they are done with their life cycle giving eggs and then they go to a renderer. Where is there one of those around here or where would you be taking those to?

Dan Hudgens: There is a number of them and not too distant proximity from here. The other industry in the state is going the same way. There's also some processes where they are using spent hen meat to create chicken patties and it turns out it adds more flavor than the young birds and so they like to blend some of the old bird meat in to make these patties as well.

Chairman: Okay, thank you sir. Any other questions from the Board?

Doris Horn: I have one more.

Chairman: Oh, sorry.

Doris Horn: You talked about Boonville possibly supplying you with the water. The sewer you said you would probably have to...

Attorney Wischer: Onsite more than likely. At some point in the future...

Doris Horn: Have you own sewer plant on the site?

Attorney Wischer: I think Ron has investigated the possibility of extending sewer so that is still out there. WE still have some time before we construct and anything could happen.

Doris Horn: What type of sewer plant?

Ronald Bennet: We're a long way from needing sewer out there, if at all. Basically the only thing that we'll be dealing with in the beginning are employee restrooms and you are talking about a septic type system for that.

Doris Horn: Right. Would that be something that they'd have to bring back to the Board on the sewer plant?

Mrs. Rector: That is Health Department, the State Health Department.

Doris Horn: Because there are two different kinds because we are dealing with one now. There's two different kinds and I was wondering which one you would go with.

Ronald Bennett: I haven't researched that yet. We haven't gotten far along.

Mike Winge: I'll tell you which kind they'll go with.

Doris Horn: Again you know could it be the smell from that you know.

Mike Winge: No, that won't happen.

Ronald Bennet: I don't know where Boonville is with their sewer development program and so forth. If it makes sense one day to come out there with it that's something we'll look at. If not we'll probably end up going to some kind of daft system and membrane filtration.

Chairman: Okay the last question I got is if approved, how far out would this project be to phase one completion?

Ronald Bennett: If we said go today...two years then before we could have birds in the houses?

Dan Hudgens: No. We could have them in by fall.

Ronald Bennett: You think we could? We won't have them in by fall. It's probably by the time we finish the planning process and all 18 months to 2 years.

Chairman: And given you still have other pemits and stuff to do.

Ronald Bennett: Yea, the permitting process I am not sure how long that is going to take. That is the reason I was saying the two years. It's gonna be quite a while. But if we, absolutely, if we had that done and we're just getting ready to build yea, this fall. We still have whole IDEM.

Attorney Wischer: So as I understand what you were saying, when you said ready to go he meant ready ready to go, through IDEM and that's why you said you'd go. You gotta get through IDEM...

Chairman: I was actually looking for once all the paperwork is done and filed, how far until it's built.

Ronald Bennett: Once we are through here and once we are through IDEM then we're probably 6-8 months before you are under construction or before you have birds in the house probably.

Chairman: Alright. Thanks. Any more questions from the Board? Alright at this time...

Attorney Wischer: Thank you for your time.

Chairman: Thank you Mr. Wischer. At this time I am going to ask for remonstrators for or let's go for...supporting, for this project.

Attorney Wischer: We are going to provide you all with copies of the power point presentation so that if you did want to look back at anything that was discussed during that you have that.

Chairman: I need the room to be quiet please. We are still working here. Go ahead sir.

Philip Springstun: Yes. Thank you. My name is Philip Springstun I live at 899 East Tennyson Road, Boonville, Indiana. If you go to Google Earth and draw a straight line from my house to the proposed site it is approximately five miles. I have been a Warrick County resident for 34 years. I've been a Warrick County farmer for 34 years in grain and livestock. I was born and

raised on a dairy farm so I've been involved in animal agriculture all my life. Currently, I also have the privilege to serve on the Board of Directors for Indiana Farm Bureau Inc. which is the largest farm organization in the state of Indiana. We have over 72,000 voting members and for our organization a voting member is defined as someone who is directly involved in the production of agriculture. So we have a lot of producers that are producing all kinds of agricultures. So if you ever have any question about any agriculture in Indiana I have the resources available to provide you an accurate answer. I am going to read you the mission statement of Indiana Farm Bureau. Indiana Farm Bureau promotes agriculture through public education, member engagement, and by advocating for agricultural and rural needs. Clearly there is a lot of need here for education from what I have been hearing in the community. So my role in this process to you, the BZA members learn about animal agriculture in Indiana and also help to educate anybody in Warrick County who will take time to listen. But before I begin I always like to know my audience. So we have nine people sitting behind the microphone so I have a question for you. Raise your hand if you are directly involved in agriculture.

Mike Winge: To a degree.

Philip Springstun: So we have two or three out of nine. Okay so roughly 22-33% if all three of ya...So I have the same question for the audience. If you are directly involved in agriculture please raise your hand. Okay I'm not going to do the math but I think it's a safe bet that there's one-third to fifty percent of the people here that are directly involved. So nobody understood my question. I'll repeat the question. How many of you are directly involved in agriculture? When I ask that question everybody in this room should have raised their hand. Because I see that we are all wearing clothes, thankfully. Hopefully you have all drank water during the day and I know everyone has had food. So every one of you should have raised their hand when I asked that question. So there; my education process has already began. For those people that raised their hand when I asked that question the first time I want to thank you because you probably think because you are probably a direct producer of agriculture and I thank you for providing food, fuel and fiber for everybody else.

I will at this point go on record of supporting Indiana agriculture expansion as well as a Warrick County resident and a Warrick County famer I support the proposed Prime Foods livestock project. My comments are going to go like this. First of all I am going to give an overall tidbit about animal livestock industry in Indiana. Second I'm gonna address briefly a couple of concerns I heard in the community being talked about. And finally I am going to close with some personal comments.

What's taken place now in the livestock industry is known as the fear factor. It is the fear of the unknown. If you fear something you are most likely to oppose it regardless of the facts. Then we move in to where we are now and that's the scare factor. If they can scare enough other people to believe in the same thing they do, they can scare them into opposing this project. I'm here to deal with the facts. Indiana currently ranks third in the nation in egg production, so this is not new to Indiana it is just new to Warrick County. The livestock industry in Indiana is very heavily regulated. In my mind it is too regulated but that's a discussion for another time. In fact, beginning January 1 of next year we will yet have another rule in place by the Food and Drug

Administration; a rule that will raise our cost of production; a cost that we will not be able to pass on to the consumer unless we are dealing with the end consumer and most of us do not. The confined feeding program was designed to ensure that CFO's and CAFO's are constructed and operated in a manner that protects human health and the environment.

Now to address the Prime Food Project. Comments I have heard in the community. Warrick County has no rules for confined feeding operations. There is going to be ground water and waste water contamination. They addressed a lot of that in their presentation but even if the county has no rules, which technically you do not but it's already been mentioned that there are rules in place. I've got a list and in interest of time I am not going to read that list but I am going to give you my presentation in writing so you will have it for your records afterwards. But by count this facility will be regulated by at least eighteen different agencies on a county, state, and federal level and I will give you that list at the end of my presentation. In the interest of time...I was going to read them but I'm not going to read them unless you ask me to then I will. There might be more, those are just the ones that I'm aware of. But one thing that I will talk about is in Indiana Department of Environmental regulations. Under the confined feeding rule, one of the one page documents that I provided you in advance, I took it to Sherri last Thursday morning and I'm sure you've gotten it somewhere in your pile is a simple one page rule of what IDEM regulates. So I am not going to read the whole page but I think it is important for everyone to hear this. They will regulate facility design, construction, and maintenance. They will regulate facility setbacks from the streams, the wells, the roads, the property boundaries, and the residences. They will handle manure storage and handling. They will handle manure application rates and setbacks; the monitoring and the record keeping; the storm water runoff from production area and the list goes on. But folks that is not your responsibility. That's their responsibility and I can answer some of the questions that was asked.

IDEM actually approves two methods of dealing with the animal loss. One is incineration and one is composting. And I can tell you that IDEM prefers composting so they are already above the game. For poultry the CFO rules begins at 30,000 birds; that's where the rules start. So if Prime Foods was talking about a project with only 30,000 birds they'd still be here asking for a Special Use Permit. The regulation under Indiana's confined feeding operation rules are more stringent and more stricter than the federal rules that are place. They are stronger than what's there. Indiana agriculture under the CFO rules have a zero discharge rule. That was mentioned earlier. What does zero mean? It means zero, which is more restrictive than the municipalities. Take a boat ride up and down the Ohio River and you'll see exactly where any municipalities connected to the Ohio River discharges. Folks, that's not zero but animal agriculture has a zero discharge rule. Some that oppose this group have put pictures on facebook and they've had it on their website and there's a farm that appears to be, and I don't know but they are talking about North Carolina and they are talking about Arizona and there's a picture. There's a picture of a farm that has waste manure in piles running down a hill. I can tell you that cannot happen in Indiana under our rules. And it's also unclear how old that picture is because I can't believe that it would happen anywhere else. That picture might be twenty-five years old. Just because it's on the internet doesn't make it a fact. That cannot happen in Indiana, the rules don't allow it, and our industry calls that a bad actor. It's simple.

Next, illegal workers. First of all it's against the law to hire illegal workers. Enough said.

Migrant workers. For some people I think the definition of a migrant worker is someone who will take a job that nobody else wants. Under the Equal Opportunity Employment commission they cannot discriminate against anyone who applies for a job. If they are determined to be qualified to do that job then they can be hired. And because I took the time to learn about this project and learn about their operation Prime Foods also requires their employees to pass a drug test and be drug free. These jobs on large livestock operations are hard work. Just like picking watermelons all day, harvesting fruit and vegetables by hand; its hard work, hard work that few people want to do. These jobs are not seasonal jobs. These are permanent full time jobs for people who will commute to work each day. Just a little bit ago you talked about what these jobs will pay. I'm not sure why we always ask that question but I've got a question right now for Prime Foods; what's your employee turnover Ron right now?

Ronald Bennett: It's small...

Chairman: Sir, ask the question and we can...

Philip Springstun: That's fine. The reason why I ask that is to help answer your concern ma'am. It doesn't matter. They'll have to pay what they'll have to pay to get people to take those jobs and apparently the people that are working for them now are satisfied with what they are getting paid. You have to look at the economic impact of the whole project, not what somebody is going to get paid. It's not the BZAs responsibility to wonder who they are going to hire, or it's not your responsibility whether Prime Foods are going to follow the laws; all the laws that they listed in their evidence; that's not your responsibility. There are agencies in place for that. Your responsibility is to decide whether this project meets the criteria for a Special Use Permit. I believe if you make these decisions based on the facts presented and you see that the criteria is met your vote will be yes and this project will move forward. There are many steps and permits required after your decision, but it's not your concern. If you vote yes, you will be part of the solution. If you decide to vote no and stop this project based on uninformed, misinformed and uneducated information then you will be part of the problem.

As I close with my personal comments, I need to step up onto my agriculture soap box; a soap box which I am very proud of. Indiana Agriculture is good at what we do. In the nation Indiana Agriculture ranks number one in duck production; number two in popcorn and tomato processing; number three in egg production and spearmint production; number four in turkeys; and Indiana ranks number five in the nation in hogs, pigs, corn, soybeans, cantaloupe, and watermelon. Indiana agriculture is good at what we do. Even though I told you the role of this process for me was to provide education about Indiana animal agriculture, there's another reason why I am here, because this is personal. Please hear me now. I want to make sure that everybody in this room hears this because I am sure that there are some in this room that when I said I support this project they never heard what I said afterwards. They tuned me out. They've made up their mind. They have made their decision. No amount of facts, changes, promises will change their mind. I can accept that. That is the world we live in. But what I can't accept is people who are uninformed, misinformed and uneducated about Indiana agriculture telling everybody else how we are bad people. For me this is personal. When I saw what a few citizens were posting on facebook of why they oppose this project and what's being said about this

community; for me it became personal. What I cannot accept is this taking place in my community.

I gave you a little background on myself when I began. What I did not tell you is that 34 years ago I married into this county. I now live, work, and farm the ground that has been in my wife's family for 145 years; right here in Warrick County. All 145 years involved in animal agriculture. She is the fourth generation and I know if we continue to survive, there will be a fifth generation because we have two children. After that I don't know because currently that is where the bloodline ends. This summer in August we were the featured farmer at the Indiana State Fair. They featured a farm every day; a different farm for 17 days. The criteria for being selected and we were nominated; each of those farms had to be in the family for 100 years yet you didn't see a lot of media attention on it did you. Well we've sure seen the media attention on this because the media likes controversy.

For me this is personal. This is not about this project. It's not about Prime Foods. I see this as an attack on Indiana animal agriculture. An attack that is not justified and for me this is personal because as a livestock producer all my life this is an attack on me. Jay Kramer is the third generation of his family to be in egg production. Folks, you do not survive three generations in any business by being a bad person or a bad actor. Even those opposing this project recognize that this is an egg laying farm. That is exactly what it will be, a family farm that produces eggs.

This property has been zoned agriculture for many years. I went to the assessor's office to try to determine how long and the only answer they could give me was a long time. So I am almost certain that this was zoned agriculture well before most of the homes were built in that area. This food (project) is about food safety, food security, and economic development for Warrick County. Safety and security that they will have when they can control the health and welfare of these chickens. Prime Foods is putting in a state-of-the-art facility. When this facility reaches full capacity if they get to the two million birds, they will have the ability to provide fresh eggs to local grocery stores just like Jay's grandfather did years ago. More people are demanding that their food be local. You won't get any more local than this.

We just heard that this project at full capacity is estimated to cost \$70 million dollar investment. I've heard economists after economist state that any investment in any size in the community will turn over in the community seven times. So that's 70 million times seven that that money will turn over in the community. I hope that you looked at the material that I provided you in advance. You will see the facts that I provided that would be this and this. I provided your own color copy. I understand after or during the presentation that Prime Foods used some of those facts but I want to make sure to say, it was on the slide but it's in this here, it's documented, there's the footnote. That this project of a two million layer operation will regional impact will have an impact between sixty-one to hundred million dollars a year, and that's every year. And that excludes the cost on construction. It excludes property taxes. It excludes income taxes.

I'll close with this. If this meeting and this project was being held in a country where people are starving to death people would be wearing different t-shirts and that's the problem with the country we live in. People have not gone hungry and they don't care about us. They think they don't need us because they don't need the farmer because they just go to the grocery store to get

their food. Well folks that aint how it works. I'll be glad to take any questions. I thank you for your time, or I can just sit down. I will bring this forward. I apologize it is not exactly because I made some notes during the meeting. Before I leave so I can have an idea because I am sure I am not the only one, I would like to see a show of hands of people that support this project. Thank you.

Chairman: Everybody that comes up please be sure to sign in.

Kimberly Waterbury: Good evening Board members. You have listened to a lot of information, a lot of facts. My name is Kimberly Waterbury and I have property at 1200 Hart Road. My husband and I bought our original 60 plus acres at least ten or more years ago from the late John Watson. We wanted a place for our family to be able to hunt and hopefully build a home and hand down to our son and our grandchildren. My husband and I have been hard working individuals to raise our son to be very conscientious about conserving and preserving the environmental for the future. We built our barn ourselves out of our sweat and with our friends. We have dealt with meth labs, trash dumpers, poachers, thieves, you name it we've had it. County bureaucracy trying to get our roads put back in. We've had all kinds of issues. With that being said early on the morning of September and im not sure of the date, we received a phone call from a person that we considered a good friend. The original neighbor that bought the property that was adjacent to us on the other side of the motorcycle club was owned by Doug and Kim Grisham. Doug and Kim Grisham sold that property to Josh and Megan Cobb. My husband received a phone call from a very upset and concerned Josh Cobb. He told my husband while he was at work, Bill we have to do something fast. They want to bring a chicken manure house. It will ruin the neighborhood, ruin the air, the water, and from what he understood possibly bring in illegal aliens to work here. Boy Bill called me extremely fast. Kim, get on the phone immediately, get in touch with anybody you can, I know you can do it. He told me to find out who the heck owns this land and tell them that we intend to fight it. They're not having any chicken poop place near our land that we bought. I called the city hall and was told that Prime Foods was the owner. Boy I was very very upset. The next call I made was to a very nice individual named Sheena who is sitting over here who works for Anthony Long who happens to be a very intelligent person and we consider him a dear family friend. He is our family attorney. We understood that he was in Alaska at the time, I told her of our concerns. I asked her to please email him and let him know of our concerns. I didn't want this place next to me, not whatsoever.

Next I called Ron Bennett at Prime Foods. I actually asked to speak to Jay Kramer, he wasn't in at the moment but Ron Bennett got on the phone and took the time to give me good answers. But I told him I didn't want just good answers, I wanted facts. I wanted it in writing. I wanted to be able to see it for myself. He was eager to give me the information. He was honest, sincere, direct and he did not avoid any of my questions even though I texted him sometimes at ten o'clock at night. He stood straight to the...he stood straight to that even to this day when I asked for more questions this morning because this morning I had four additional. He has answered every question.

A neighbors meeting was held the very next day following the call from Mr. Cobb. The group was calling out another family in the area that was opposing the chicken farm. The group was against the plant and I understood it, my husband and I both stood firm at that time. We understood that there would be housing for possible immigrants on the land and respiratory

problems because of chicken dander and manure. And I know for myself, Rita Long, who I consider a friend of mine, she suffers from many types of respiratory problems and I can definitely understand that. I suggested to the group at that meeting that they get the meanest, strongest person that they could possibly find to be able to get the facts and get the job done. And I personally suggested at that meeting, at the Greer's house that they get Anthony Long. He would absolutely be able to find out the facts. He is sitting next to me and I am sure that Anthony has some facts and we'll find them out and I am eager to find out his facts but here are my facts.

I am a sufferer of atmospheric related bronchial asthma so I too am affected. Bill told me that that would not cause any problems for us as he has known and shown me the lines. He took me out there to our property and he actually physically showed me where we lived, took me over to the spot where Prime Foods wants. He showed me all of the tree lines. He got with me and explained to me how the air flows and that there is a big buffer zone. Not a small buffer zone a big buffer zone. We did talk about the odors and bacteria. My husband has been a turkey hunter for many years and he knows about prevailing winds and which way they would blow and on the majority of the time they could be blowing towards our property. We have argued about this. I can assure you I told my husband as far as I was concerned he could take that fifth-wheeler of ours and go live up at the farm because I didn't want that chicken place.

So yes, we've had arguments. I was totally against it. So I decided to take my own direction and do my own homework. I did my homework. I checked out that plant; the one that you are referring to, the two-story place that lets the manure pile up, that's nothing like this. That is nothing like it whatsoever. If we are going to compare things Board I'm gonna ask you to compare apples and apples not apples to lemons. I couldn't get Ron to give me any close places because he was afraid that some of those people that are out marching around with the chickens and all of that business might go over and create issues for these people down in Kentucky so I had to do my own searching. I found out a place in Arkansas, as a matter of fact more than one place. I went to Missouri. Then finally after doing some in depth homework I found out about Kentucky. You know what? There is a school very close to it. It's right across the street. There's no trees. There's no buffer zone. There was prevailing winds the day that my girlfriend and I went. I didn't think that the farm would be allowed to build near a school because of students. Who in the world would allow odors, bacteria, salmonella, MRSA, all these things that they are talking about. Who in their right mind would allow a school to be that close to it; that you can actually visually see it. I called the school nurse, identified myself. I asked if she treated children with respiratory illnesses related, from the chicken farm that is across from them. I asked about that one specifically. The nurse said no. That she has just the normal amount of respiratory illnesses that any other school would have and no respiratory treatments that were directly related to this chicken farm.

I had the pleasant opportunity of meeting a very nice lady who wanted to be here tonight but I was asked not to bring her because of all the negative situations that she might endure. Her name is Dora Lee Harper. I encourage you to go down there and meet with her. She has given me her name, her phone number, and her address. She and her husband live directly across the street in the prevailing winds. When I went there and I talked to her I found her mowing her grass. She and her husband have lived there for many years. She was pushing mowing the grass up

and down the hills in the prevailing winds coming straight across from this chicken farm, chicken place, whatever you want to call it; the exact same type. I am comparing apples to apples. The lady mows the grass weekly. Her family does work there and she lives across the field from it and there's no trees to buffer it. Her house faces the chicken house. The lady did inform me, Mrs. Harper did inform me that there is young couple that within the last few years that they have two small children and they were very concerned. They were getting ready to move into a very nice house that was across the street and they went up and down and canvassed the neighbors. They wanted to know about any particular illnesses, bacteria, problems, odors, or whatever. They talked to them all. They are now landowners of that. They have no problems. Their children have no adverse problems from it. I encourage you to talk to those individuals. The only problem that Dora Lee Harper incurs is the exact same problem that I incur when I go to and from my farm and that comes from the combine when the farmers are harvesting their grain and we have to close our windows because of all of the debris that is in the air and that does cause me to have atmospheric related bronchial asthma.

My husband does go to another county and get horse manure that he spreads across our farm in order to be able to get more nutrients to get the land to be able to grow more prosperous because it is abandoned mine land. In Kentucky I pulled off the highway at the chicken farm and I asked a worker who was a short distance from the conveyor belt. So that you will have an idea of how far it is, if you go from here to the building across the street it wasn't even that far. My girlfriend and I went and there was a semi that was pulled up and there was a conveyor belt coming out of it and I saw the stuff coming out the conveyor belt. I asked the guy what in the world is that. He said it's chicken manure. I said really? Well I don't smell it. He said it's chicken manure. It's getting ready to get hauled off and he said they haul it off regularly. They have people on a waiting list. So with that being said I thought to myself wow, maybe we won't have to drive all the way up to Spencer County to get different kinds of manure, maybe we can go a little bit closer but I found out I'm so far down on the list because other farmers want it. It's in high demand. The worker told me that the chicken manure usually does not smell but it has on a couple occasions. It was about a block away. I thought I would be able to smell it but did not smell anything.

I was totally against this chicken farm at first. Even last week as I drove over the bridge with my girlfriend to Kentucky I still had mixed emotions. My heels were still dug in. I was very firm in the fact that I did not want any part of the confined chicken laying facility in our area. I've prayed about this and I ask you all to pray about this. I am okay with it now because I have done my homework. I've got the facts. I went to look at the chicken farms. I encourage you to please, go look at them. Don't look at ones that are two-story facilities that let the chicken manure lay there for a long period of time. Go look at the ones that are exactly like it. Those are the ones that are in concern. I got the facts and the facts speak loudly. I do not have a problem with a farm like this; speaking of the one in Kentucky which is comparing apples to apples. I personally want you to know I'm not gaining one thing, not even a rotten egg out of this. Prime Foods has offered me nothing. Not one thing. The only thing they have offered me was facts. And this week Ron Bennett finally broke down and privately gave me the address to two different ones. The two different ones that I had actually heard about but wasn't familiar with. I have a lot to lose. Matter of fact at this meeting tonight, I had a person who I was going to consider a friend come up to me and make a very bad threat. I'm very upset. I am going to end

up losing friends over this and I have nothing to gain. I want you to take this into consideration. I want you to know I will be doing my homework. I will be checking on them regularly; checking with Ron Bennett to make sure that the reports are done; checking to make sure that they are in compliance. I will be the first to come back and let you know. I encourage the Board to visit the other operations and I want you to know while I was over there I took a picture; I've got many pictures on my phone if anybody cares to look at them. There was two semis that pulled up full of grain and on the side of those semis they said Evansville Indiana and I asked the drivers, I said what are you hauling and he said corn. We haul it regularly. I said corn from clear up in Indiana is coming down here when our corn could be going straight across the county and our local farmers could be profiting from it but instead we are hauling it down there.

I'm gonna end this with my strong religious convictions. I will still stand firm, Anthony Long is one of the best attorneys in Warrick County. I trust in him fully but I do want you to know my husband and I who own acreage at 1200 Hart Road stand firm to the knowledge and the information, unless we are proven different, concerning Prime Foods. I thank each and every one of you for your time. I did not canvass any of you all because that was against the rules. I waited until tonight and I've given you guys your space. I only know one person on this Board and I'm sure he probably doesn't remember me but I can assure you, it's on your plates my grandsons' future. When you go down to McDonalds and order your egg McMuffin, do you want it coming from Mexico or do you want it coming from Boonville. I want you to think about that. God bless you.

Chairman: I want to remind everybody that comes up to the podium make sure you sign on these sheets and state your name when you get started.

Samuel McGuire: Hello my name is Samuel McGuire and I have lived on my familys farm in Warrick County all my life. I have come here tonight truly concerned about my and many others future in agriculture. As my generation of agriculturalists will have to double food production on the same amount of land by 2050 as the world population is expected to exceed nine billion. No one can deny the greatness of American agriculture and food production. Ever improving farm practices along with new technologies and equipment have helped US agriculture lead the way in feeding the world without taking more and more resources to do so. And for 80 years Prime Foods has been right there with dramatic increases in efficiency and endless technologies. This farm is going to be part of the great agricultural machine that is going to feed the world. Unfortunately some of the advancements are being eroded by efforts to turn us all into fear mongers'. Are we willing to allow Warrick County to fall behind in these advancements? Are we willing to allow the unfounded fears of technology and lack of awareness and education stagnate the future of our community? Thank you for your time.

Ray Murray: My name is Ray Murray I live at 161 Hardin Drive in Evansville. Of all of this there are only two points that I make without being repetitive. I have worked with Jay since the design of his current production facility and I've worked with Ron since he got here. I'm an architect and I can tell you these guys don't cut corners. The best example that I can give is we just finished a facility for them to wash pallets and egg trays. They asked us to do an estimate on what it would cost to meet regulations. We came up with about \$800,000. We met with Jay and Ron, they want to attract and maintain good people; by the time we done adding things to

make it a safe and pleasant environment to work it cost 1.5 million. So if they tell you they are going to build a state of the art facility they are going to do that. I know they looked long and hard for a site in Warrick County that was zoned agriculture and I think they found a pretty good one. And without being repetitive that's really all I can say. Thank you for your time.

Chairman: Thank you sir. I want to say this again, sir did you sign up there? Everybody that comes up to speak, make sure you are signing the sheets so we've got all the correct information.

Dave Schnur: My name is Dave Schnur. I live at 999 Highway 161. I'd like to thank you for the opportunity to offer my support for the Prime Foods facility. I'm a third generation Warrick County farmer and along with three other family members own and operate Otter Creek Pork Farm. One of only two CFO's in Warrick County. Our operation is a 350 sow farrow-to-finished hog farm with 3,500 to 4,000 pigs present at any one time. We started our operation in 1981 when I moved home from college and we have been a registered CFO since 1997.

I want to speak to the manure handling concerns. A lot of it has been covered so I am not going to go over everything but we are a zero discharge operation. We are located on Otter Creek hence the name. It's the east end of the same tributary that runs through the property that this facility will be built. In addition, not having access to public water we drilled a well to provide water for my home and we built the lake for water supply for the hogs and the creek serves that as an emergency water for the hogs during dry weather. We have a liquid manure handling system and storage pits and the land we apply our manure are part of the water shed that supplies the well, the lake, and ultimately the creek. This is the water that I drink, the water I raise my family on, and the water that we water our hogs with so it is very important to me that it remains clean. I have a list of things that we do to ensure that the manure we haul on our crop land stays where we put it so it doesn't get to the well, to the water, to the lake and to the creek. Most of those things were covered by the team and they go beyond what we do in many instances. There is a dry system which makes it easier for them to keep the manure in place than what it is for us with liquid. We use many technologies. A lot of what we use is feed additives and additives to our pits in order to control odors and try to be good neighbors. I would be surprised if there aren't things that Prime Foods will also use in their layer facilities that don't include things like that. Make the nutrients more available to plant life and so on when they apply it and with the amount of technology they are incorporating in their project I'm pretty sure they are probably including some of those too. I think we have shown over the years that we have been able to keep from contaminating water supplies above or below ground so I have no concerns about the manure management practices that prime foods will use.

I do however have concerns about something else. As I said earlier I am a third generation Warrick County Farmer. I am a fifth generation farmer. My grandfathers grandparents settled on the west side of Evansville from Germany until they were asked to move to make room for a college campus, now USI. My mother grew up on a farm on a land where Alcoa sits today. Much of the land that I grew up helping my dad and uncle tend is now covered by shopping centers and restaurants along the Lloyd Expressway and highway 62. Our base of operations and the best farmland that we tend now is along Epworth Road. We can all see the writing on the wall there. One of the reasons we started the hog operation was to generate income needed for my generation to come back to the farm and enter the operation without acquiring a big chunk of

land. Farmers in today's world are being asked to feed an ever growing population using fewer acres and with fewer people actually living on the farm. And my next statement is my primary reason I chose to speak tonight. It concerns me that in a rural county like ours, on property like that under consideration with this project, with a model corporate citizen that has gone far beyond what the rules require, if we cannot see our way to allow animal agriculture to exist here then why couldn't someone rally a neighborhood against my hog operation and what does the future hold for my son, his wife, and my two granddaughters who are the fourth generation in our Warrick County family farm. Thank you for your attention.

Tony Baehl: I signed the sheet earlier. I am Tony Baehl and I am a property owner at 6577 North Highway 61, Boonville, Indiana. My property is located west of the proposed building site. I own this property along with my sister Anisia Baehl Burkhart, Marlena Baehl Beadel, and my brother Adam Baehl. Our parents Marilyn and Albert have lived on the property for 51 years. In that time there has been a lot of changes. When they moved there it was all farm ground and then Mr. Peabody came and they put a haul road in, railroad tracks, and then all the neighbors were gone and it became barren land. In that time that we survived Peabody and Vigol Coal and other mines, they've blasted, shot dust, cracked drywall, back up beepers running 24/7, all types of equipment, the train, the coal trucks running 24 hours a day with mud and dirt, along the highway and I will add they showed a graphic today about the amount of semis that will run per day and I believe it was 20. When the coal mine ran and the coal trucks were loaded in and out there was 300 trucks a day. And all of you can remember driving through Boonville and your vehicles being gray. I know the sheriffs have had to work accidents because the water could not drain off the road and people hydroplaned on the highway. Peabody digging across the road from us hit our water vein to the well making them bring a water line to us from Boonville. That water line is, if I remember correctly is 2 inches. And I have been to the city of Boonville and their water department many times offering to put a fire hydrant, paying out of my money up there for my neighbors in Hart Township to get a fire hydrant and we can't do it. The water line is not big enough. It will not service the fire hydrant. I even went as far as to get a clean out because when they have to surge, clean that line they literally take the meter out of my mom and dad's meter and they've let it run for days so my mom and dad have to do without water for a whole day. I offered to pay to put a clean out in and the answer I got was if we put a clean out in we will drain Greenbriar of water because there is not enough water pressure there. The closest fire hydrant for our house, from our driveway is two miles. We feel Prime Foods will be a great neighbor to us, Greenbriar, Hart Township, Boon Township, and Warrick County. Prime Foods is stricter regulations to follow and as you've heard from the rest of the farmers and me included because I farm; guys I'm telling you, and ladies our regulations are nothing compared to what these folks are going to be under and because of that I farm. I live across the street and I'll tell you right now I intend on selling them corn and I also have Ron Bennetts phone number and if I see anything that is out of place do you not think that I'm gonna call him and question him on it knowing that I know the rules? Because if I have to follow the rules so should they. They will pay taxes. They will help upgrade all of the utilities and I'm telling you I will be so glad when we get a fire hydrant. They will be buying corn from our local farmers, and that means....and Ron and them haven't gotten to this point but odds are it would not be cost effective to build a storage facility to store all of the grain on site. That means they are going to pay people like me a premium for my corn and when they do that. That means I will have to build more storage. That is more tax revenue that is spun out into the community off of farms like mine that I pay

taxes on. Also when my book sheet is positive I'm gonna upgrade technology. I'm going to take that \$10,000 tractor and I'm gonna trade it in and buy a \$100,000 tractor and I'm gonna pay property taxes on that; personal property. That is money being made for this county. That is positive money multiple times over.

We feel like when the chickens lay their eggs our drywall will not crack nor will the dishes fall out of the cabinets. Being a farmer, like most of them here, we have to work multiple jobs so we can play at farming. My trade is being a brick mason and I was able to be on the crew that bricked Prime Foods current facility. I swear, I don't know, but it seemed like everybody I knew that worked there was all from Warrick County, almost all of them. They lived in Newburgh, they lived in Yankeetown, they live in Elberfeld, they lived in Selvin. Skilled labor, a lot of them union jobs, union benefits, union wages and you know I would almost swear that Mr. Kramer put it in his contract that they had to be from Warrick County because many of them were. Mr. Kramer was always visiting of an afternoon. He was hands on and he was nice to all of us who he did not know. He had...I worked Saturdays and Sundays and never did he not come and say thanks for working the weekend. I'm telling you, as a neighbor to this facility, as a Warrick County resident, as a Warrick County farmer, and somebody who has dealt with Jay Kramer and seen what he is going to do. He is not going to cut any corners. He is not going to cut any corners. And when he follows the regulation he's got people like me that are going to keep him in check. I thank you for your time. Do you folks want a copy of this. I've adlibbed some of it.

Chairman: No we have it on record. Thank you sir.

Tony Baehl: Okay thank you.

Michael Heuring: My name is Michael Heuring. I live at 2120 East Tennyson Road in Boonville. I'm a Warrick County farmer and a business owner as well. I live approximately 4 miles southeast of the proposed Prime Foods location. Also I might add that I live downstream of Otter Creek which runs right through the middle of my farm. My family and I own several properties within five miles of the proposed site. One of which is a recreational property where we spend a great deal of time outdoors. That's just a little background about me.

Once at full capacity it is estimated that this facility will consume roughly two million bushels of Warrick County corn. As stated before it won't be leaving town and I'm trying not to be repetitive but I do have a little different twist here. So that means that the trucks hauling that corn will burn less fuel thereby shrinking their carbon footprint. The drivers operating those trucks will buy their fuel and associated supplies at Warrick County gas stations rather than out of town stations and it's a classic example of locally grown food from start to finish. I urge you to approve this request so that the project may begin. Would you like a copy?

Chairman: No you are fine. Thank you very much.

Gary Seibert: Good evening. My name is Gary Seibert and I am from Gibson County. The reason I am here is I am retired, 27 years with the Indiana State Department of Agriculture. In the 27 years I've been here for six generations and I farm also but after my 27 year retirement

with the Department of Agriculture...I do private consulting and engineering works and stuff now too. My customer base and my client base wouldn't let me retire. Warrick County was one of the counties I had been in, it's one of the eleven counties that I was assigned and I've been in pretty much every livestock operation around in this county and I was never called to do anything Kramers. I was involved a lot of times on a lot of inspections as a technical expert as to how to resolve on some of these livestock operations that existed from the past. I'm here to tell you now that these operations today that are built are not the same operations that you are used to seeing from ten years ago. They are very very strictly monitored today. I actually live two miles within three confined feeding operations and one of them is the second largest dairy in southern Indiana and I have no issues with any of them so a lot of the fears that people have, their reasons are right but you really need to think about it a minute. This is not your grandfathers farm no more. This is not your dads farm no more. The way the operations are run....it's a lot different. Today it's rare that you have some economic growth of something like agriculture. Agriculture is 20% of Indiana's economy. I really think it's more than that. It's 17.4% of the gross national product of the United States so it is very important. It is a very important part of your community. This is an agricultural manufacturing facility. When you have a facility like service retail, where our product is brought in from abroad and it's sold here, that money leaves your community. This is a locally grown operation that produces and manufactures a raw product and turns it into a finished product and at the same time every step of the way, everything that this plant produces is 100% recyclable and desirable and very well needed. So the economic boom that you will get from this same amount of money that is generated generates seven times in your local economy here. So you are talking about two million bushels a year that goes on every year here from the amount of grain that is used in this facility. So everything along the line on agriculture is, it's totally a raw product and it's turned into a finished product. That is manufacturing. That is agricultural manufacturing and that's really economic growth and from what I am understanding there is nothing here on this facility that has required a lot of county tax payer infrastructure updates. That's a rare golden opportunity in my opinion.

Last issue here. The byproduct from this is so desirable and the reason that it is desirable is because 40% of Warrick County has been turned into...has been reclaimed as mine land. That's 40% of your operation, of your land base has actually been disturbed and when it's turned upside down like that it's basically biologically sterile. You can throw all the fertilizer at that you want but you're going to get about a 50% return on your investment to try to make that acreage produce. That's not economically feasible either. So you've got a land base here that needs a lot of attention. It has a disturbed soil structure that needs to be brought back to life and when you have, when you throw that amount of manufactured fertilizer at it and half of it only available, the other half is running off and that's what is leaching...there's your environmental problems on some of this stuff. When you talk about IDEMs new rules are going to be some of them also are going to be updated that a lot of these....the manure applications are going to have to have a living green plant growing on it. That's coming in the near future. The soil you hear the buzzword of the soil health to green revolution, most of these are going to require that there is something living all the time so there will be cover crops and stuff planted with it. And building up the organic matter and a carbon base and that is how you stimulate the biology of the soils to make it productive again and so that's....this is...you really need to think about this is an opportunity that is bigger than what you may think it is and not requiring a lot from my opinion a lot of other inputs from the county tax payers roles. I only involve myself in win-win solutions

since I've been retired and doing consulting work and this is one. This is a win-win solutions and that's why I'm here and because it is the right thing to do. Thanks.

Gary Michel: My name is Gary Michel and I live at 1588 Houston Road, Boonville, Indiana. That is approximately three miles south of the proposed site. I have friends and neighbors that are opposed to this proposal and I respect those concerns. I also have friends and neighbors supportive of this proposal that were unable to attend tonight. Having served on the Area Plan Commission for over 22 years I realize there are always a lot of emotions in these types of proposal. I know that you will rely on the facts for this specific proposal in making your decision and trust that you will do what is best for the Warrick County economy and its citizens.

I am the president of the Warrick County Farm Bureau with over 26000 members in Warrick County. Farm Bureau is a major voice for agriculture and yes egg laying is agriculture. The Warrick County Farm Bureau Board of Directors has studied this specific proposal and with the research and combined knowledge and experience of the Board members, the Warrick County Farm Bureau is supportive of this confined feeding proposal. We feel that Prime Foods have a legitimate need and right to build locally. Prime Foods have worked to address the concerns of the opposition. The proposal will provide minimal negative impact and a lot of positive impact. It will improve the Warrick County economy and employment opportunities. Provide reliable market for locally grown corn and soybeans. Provide a local source of organic fertilizer for local crop production therefor Warrick County Farm Bureau Board supports this proposal.

Thank you for your dedicated service to the community by serving on the BZA and for consideration of the specific facts for this proposal. Thank you.

Logan Springston: My name is Logan Springston. I own and live in a house approximately eight miles from this proposed opportunity on 688 Geyer Road. Except for the time when I was attending college and starting my professional career I have always been a Warrick County resident. I didn't have to move back to the county I chose to move back to the county. I chose to because I love this county and this rural community and the values I learned growing up here. I hope to be a Warrick County resident for many many years to come so the success of this community is very important to me. For four years I worked hard to obtain a Bachelor's of Science Degree in Agriculture. So I understand this proposed project and I believe Prime Foods did a very accurate job, not only describing the production facilities but the laws and regulations they will abide by. Those same four years I worked toward obtaining a minor in Political Science so at the young age of 27 I also understand the importance of having a Board such that you sit on and the role it plays and the importance more so than the average public citizen and I thank you for being willing to serve this community and at the end of the day I respect your decision as long as you openly listen and respect my opinion. So tonight I want to share with you two main reasons that I believe this proposal is an opportunity for our county.

First like I said I believe in the success of Warrick County. Coal, Alcoa, and agriculture have always been the three economic main streams in our community and as we all know in the last several months there has been a lot of negative news in the community as certain industries has issued layoffs and shutdowns. Lots of jobs have been lost and so has lots of county revenue and like most people this concerns me and upsets me. But what I struggle with is understanding how

many of those same people get upset when there is positive news of expansion and jobs in our county. With that being said I fully support any company, business or industry if they want to increase jobs in this community and increase county revenue, it's plain and simple I support them. BZA members it is common sense when we have a local business with an outstanding track record that wants to expand and invest millions we welcome them with open arms. We can't be a road block and restrict economic development especially not at that exact same time while some of our main economic mainstreams are doing the opposite of development and they are losing jobs.

Secondly I am here tonight because I believe in the importance of agriculture and our food supply. I am sure most of you are just like me and don't enjoy buying clothes from Bangladesh, shoes from Indonesia, or electronics that fill this room from China and I can go on and on. And I know if everyone in this room has a choice they would buy made in America versus made elsewhere. Most of those everyday items that I mentioned are produced elsewhere because America has made the laws and restrictions so outrageous businesses couldn't compete and either had to quit or move production out of America. If the American trend continues as it is and rural communities start preventing food production growth agriculture and our food supply will be the next to move production out of this country and BZA members I have a few questions for you to ponder tonight and the next month. Are you grateful for the abundance of food choices you have when you walk through the grocery store or order at the restaurant? BZA members, are you thankful for the quality and safeness of the three meals you consume every day, 7 days a week, 365 days a year? BZA members, are you appreciative of all the hours of hard work it takes for those who produce the food that sits in your fridge and freezers at home? And finally BZA members, would you rather consume an egg or egg product that comes from Warrick County Indiana or Bangladesh, Indonesia, China or elsewhere? I hope you answer Warrick County. I thank you for your support and hearing my opinion tonight. Thank you.

Chairman: Is that it for those that want to talk for? Remember if you don't want to talk you can sign the sheets out in the hallway; green for, red against. Okay come on up.

Jeff McGuire: My name is Jeff McGuire. I live at 3899 Wilzbacher Road, Boonville. I have leased the property on the east side Eby Road for twenty years from Peabody. I've made a living over the past 20 years trying to lease reclaimed coal mined ground and improve it for cattle grazing purposes and that brings me to...I almost didn't speak tonight because so much of what I had prepared would be reiterating points already made but my concern is that one of the byproducts of this operation is the manure and it brings a lot of stigma, a lot of bad feelings. But I believe that this is one of the most needed parts of the whole project because like...it is reclaimed ground and it's considered poverty soil for the most part; organic matter typically less than ½ of 1%. For the 20 years that I've had the Peabody ground leased I have not been able to make a lot of improvements to because a lot of you know Peabody leases their ground year to year and you just can't make long term investments. So about 12 years ago we went to Alcoa where we had a long term lease and we started applying manure to this ground and all of a sudden it starts becoming more and more productive and the ground that I had been renting from Peabody for 7 and 8 dollars an acre, now it's not just crop ground or not just pasture ground but they are able to upgrade it to crop land. So this same type of land that I can make the long term investment in is now being cropped on the Alcoa side of the county and now I'm being charged

\$160 an acre for land where I was renting for \$10. That's just, my point, that is the value that this manure can bring to the county. It's the most overlooked resource that we're dealing with. That's the reason that people are bringing the manure from Dubois County, they've got a lot more of it. It's costing \$25 a ton by the time it's delivered to Warrick County. I don't think that people are going to apply too much of a valuable resource like that. The scarcity is there. It's like Gary said 40% of our county has been mined and along with all the jobs and economic stimulation I'm here to say we can revitalize lots of Warrick County farmland and it will serve a great purpose.

But back when we moved to Eby Road area in 97 there were a lot of hogs in the area and the hog manure was not dried on a belt and encapsulated. You could smell it and it was spread, it was not incorporated. Some of our neighbors spread hog manure on our land and we had to smell it and I thank them. I saw some of them here tonight. Some of those hills where they came in and spread that liquid hog manure is still green and growing today where the surrounding land is basically...what would you call it? Sterile, devoid of biology, pretty much dead. That's what's left with the coal mines with this prelaw reclamation where there is no topsoil. Everything else that I had kind of prepared would be just repeating but I don't think value has been given to the manure and when it is dry, it really does take care of the smell issues. When I gets wet and not treated right then it turns back into you know what. But that's just not gonna happen in this case. There are too many people that want the manure that would be responsible with the use of it. I want to thank you for your time and your consideration tonight. Thank you.

Chairman: Alright, if that's it remonstrators for I want to do a quick five minutes before we turn it over to Mr. Long because I know some of us need to move our legs around. A quick five minutes then we'll come right back.

Ten minute recess.

The meeting reconvened at 10:55 p.m.

Anthony Long: I have signed in; you don't have to remind me.

Jeff Valiant: Thank you sir.

Anthony Long: I have been a resident of Warrick County for 72 years and one day. Yesterday was my birthday and I spent the whole day preparing for this and so I am looking more forward to my 73rd one than I was the 72nd but I would also tell you that all things are relative. We have been about and all this crowd here today over an operation of two million chickens on some property and that's a big deal. Sometimes, and I have never been one who wanted to move to Newburgh too much but down there they have a similar problem but it is four chickens. There are four chickens in downtown Newburgh that has caused turmoil and we are dealing with two million up here. I had that as an exhibit but I don't think that is probably appropriate.

One of the nice things about being my age is I take cases that I believe in; I don't take them unless I do and I believe in this case. I would disclose my interest. My wife and I live on Dogwood Lane. It is a couple of miles or so south of this property and we are personal parties

and appearing here today on a personal issue. My clients understand that. My law firm owns 235 acres about ½ mile north and east of this property and we are getting ready to close on 35 or 36 more. I will get into that when we get into the Master Plan issues.

I represent a number of people individually and I have filed personal appearances for those people. I say I-our office-there are four lawyers in our office. We have all been active in working on this so if I drift into it it is because it is just me, I am tired. It is four and a half hours into a case and I finally got to speak. As a lawyer I am not used to that, to set in court for four and a half hours and not at least jump up a time or two and object. But I have listened and I am going to tell you this isn't an emotional matter for me and I have one rule that I have had since the day this case started, if I am expected to say something and do say something I have documents to back it up because my credibility means something. I have some level of concern about some of the things that have been presented but I would tell you this isn't an attack on Jay Kramer. Jay and my son went to school together and people have talked here today about his dad, Glen. I lived next door to Freeman, his granddad. We lived on North Seventh and our properties backed up against each other. I knew Freeman and his wife Ruth, if I recall her name and Glenn and I were in school together; I believe he was a year older than I am. I believe his wife, Jay' mom, Judy as he recalls and we are not here to attack him. I think he is a straight up kind of guy; I know of no reason to think otherwise. I think he has been successful in his business and let's get that clear from the beginning. We will get into this more as we go and you will have to forgive me, I came up here today to see how high this thing (*podium*) was but at my age I don't see as well as I used to and I decided I had to go back and make the font of my presentation quite a bit bigger and even at that I am going to be wearing my computer glasses in order to see it.

Let me start out by saying Warrick County's chosen not to adopt construction and operational standards for confined feeding operations or CAFO's. This is really why we are here I think. You are being asked to approve an application for the construction and operation of a CAFO with no guidance from the elected representatives of the citizens of Warrick County and there are no standards for separation from residential properties, developed properties and other type uses. There are no standards for the need or for the type of utility facilities to service such a site – outside of the master plan and there are no standards for the control of the emissions from the site such as noise, odors, particulate matter or waste management. Twenty six counties in Indiana have adopted substantive standards to protect their citizens and I would first introduce you to Sheena Pickard of my office. She is probably going –we would have put ours in a book but it would have been many times bigger than this one. Our exhibits are numbered “R” dash 1 through how many. She is going to be handing those out as we go.

Exhibit “R-1” identifies these counties which are offered into evidence in this matter. As far as I can tell we are living in the wild west of control over relying on the state chemist or the Indiana Department of Environmental Management to provide the oversight. What few enforcement actions that have been taken have originated from citizens' complaints. In 2008 Purdue

University; and I root for Purdue except when they are playing IU; one of the outstanding agricultural universities and agricultural advocates in the country probably in the world – not quite as much an advocate as the Farm Bureau - but they issued a commentary by Janet Ayres as follows. I thought it was sort of a nice thing to open up with and I quote it. That has been marked as exhibit 2 and I offer it into evidence. The quote is

“CAFO expansion in Indiana has created deeply dividing conflicts in rural communities with far-reaching consequences. When a CAFO is proposed, the conflict escalates very quickly. People immediately take sides (either for it or against it), their positions harden, communication stops, perceptions become distorted, and unrealistic goals are advocated. This causes the conflict to escalate. As the conflict spirals up, people become more polarized from one another, less interest in resolving their differences and more interested in “winning.”

Such behavior is not only stressful, it takes a toll on the psychological well being of everyone involved. It’s not useful because it does little to address the issues or real concerns and, in fact, exacerbates the conflict. A more constructive approach is a collaborative problem-solving process that brings people with different views together early on, before people are locked into their positions, to discuss the issues, exchange data and information, and search for solutions that go beyond their own limited perspective of what is desirable or possible. Elected officials’ and citizens’ understanding of CAFOs as public issues and the sources of conflict is only one component of a collaborative process.”

To my knowledge, the only elected representative that has spoken to this issue is Representative Ron Bacon. I saw Ron here earlier – did he leave? Ron and I used to be neighbors actually in the impact zone of this project. He moved on and Rita and I stayed behind. We disagree politically occasionally but I truly believe he does his best to represent his constituents – the resident voters of his district. Representative Bacon, like myself, support farms and farmers and orderly, wise development of our county. One of my clients communicated with Representative Bacon on this very issue and on Tuesday, October 18th, Amanda Oller, who is here tonight, wrote to Representative Bacon, and I quote..“*We are not against farmers & farming and we are not against him growing his business just not so close to residents like he is trying.*” To this Representative Bacon replied and I quote, “*I agree.*” Amanda asked if he could put that in his press release and he replied “*too late for that but I will tell Mr. Kramer when I meet with him and I will state that at the hearing Monday evening.*” I would like to thank Ron Bacon for standing up for your constituents on this issue. That exchange as remonstrators exhibit 3.

We have talked a lot about farmers and their being besieged by regulations and folks trying to limit their operations. Indiana has adopted Right to Farm Laws. It makes it horribly difficult to protect ourselves and our property from offensive farming operations. Well let me be clear, I don’ consider – what I consider normal farming agricultural type operations to be offensive. I think offense is something that is protracted and ongoing. Let’s also be clear – we are not at war here with the farmers. Farming is a bedrock industry in our county and we want to support this

industry. My farmer family members would expect no less from me but also let us be clear – Prime Foods Holding is not a farmer. I guess that brings an issue that is a little bit troublesome. I don't know who is the applicant here. Prime Food Holdings LLC is the applicant. The presentation they have says Prime Foods LLC The Incredible Egg People. I don't know. I don't think they are the same. I know they're not, we have checked their corporate status. Prime Foods Holding - well, talking about the issues with the right to farm, I have no quarrel protecting a farmer that has a CAFO or a food lot operation from the complaints from a somebody who moves in to that farmer's area and then complains about the smell. When you move in next to an obnoxious operation, a feed lot, CAFO or whatever it is, using your own definition of obnoxious, you know what you are doing and if you move in knowing that is there it isn't the farmer's problem. If they were there and they were operating and you came there I think that is your problem. But, if you have acquired a residence that has been in your family for generations; that you have bought it and that farm is next door to a grain farm that has been such for the same number of generations and that grain farmer sells his farm to a corporate farm who installs in your backyard a huge CAFO rendering your property unusable – I think you should have recourse for that. The Farm Bureau thinks otherwise. It is a powerful lobby, the Farm Bureau, and they are activists and they have convinced the legislature and our governor that under that fact scenario that is not a substantial change in the operation and it is just too bad for the person who is the multi-generational heritage of that property.

The purpose of addressing that at this point is to tell you that if this application is approved your fellow Warrick Countians will be subjected to certain damage and perhaps ruin. This case may well be the final result in this matter. I am certain that Prime Foods Holdings, if they are the true interested party, is counting on that. We filed a motion in this case to dismiss or in the alternative to grant us a reasonable continuance because your mandated rules require the applicant for a special use permit to submit with the application and I quote, “a detailed description” of the operation request and answer to each of the six areas you set forth. This was not done, even though applicants filed two separate applications with you. This willful deviation from the mandated rules we believe was calculated and willful. Prime Food Holdings did not want my clients to have an opportunity to study, critique and perhaps challenge its plans, or lack thereof. Prime Food Holdings has severely hampered my clients in being able to address, agree with, or challenge its proposed operational plans. This efficiency of this site and virtually all evidence – this is prepared obviously in advance of this –that we will hear at the hearing. Which I would say at the side, less than I had anticipated that we would hear. As to the applicant's operations, they don't even mention in the application how many chickens they want in this facility. Chickens. We gleaned from publicity and statements and somehow it was a couple of million and we have used that and assumed that. We have also assumed these chickens will produce manure. If you take their application on face value on their detailed disclosure one might assume they have found a strain of chicken that utilizes 100% of the food and water they consume without producing any waste by-product. No plan of any kind for what they plan to do with this manure has been submitted. I submit these chickens will produce manure, how and what manner the

applicant will dispose of this waste have not. I suspect they will – they said at the time at the time they made their – they are going to truck it away as opposed to some magical vaporization. They will truck it away to someplace, maybe to the property next door to you. While we believe we are constitutionally disadvantaged here, we will do our best to present cogent relevant evidence and arguments. We will present the best evidence from generalized knowledge, peer reviewed opinions and gleaned assumptions. As a practicing attorney, this is sort of like dark ages law where you trial by ordeal. We requested to have additional time to vet the Prime Foods proposals and their opinions and if I guess if I had said at the time in preparing this if they offered none that would be surprising. If our assumptions of fact or scientific submissions miss the point please consider how that happened.

We now are going to address your issues. The first one is this site an appropriate location for the use sought. To address this issue I am going to call upon a witness by the name of John Mundell. I will introduce him in just a second. He is a consulting professional engineer for Earth and Environment. Mr. Mundell holds a Bachelor of Science Degree from Purdue University, 1979; a Master of Science Degree from Purdue University in 1980 for geotechnical engineering and between 1984 and 1988 he completed the Doctorial case work in environmental engineering at the University Of Notre Dame. Mr. Mundell has expertise in the following areas, hydrology, site characterization, ground water containment and modeling, geochemistry, risk assessment, plum stability, remediation design, regulatory negotiations, environmental construction oversite and ground fill development. He is a professional engineer and licensed professional geologist with over 36 years of consulting experience. We are introducing to you in short form unabridged curriculum vitae for him as exhibit 4 which we are offering into evidence. With that I will call upon Mr. Mundell to make his presentation.

John Mundell: Good Evening everyone. My name is John Mundell and I am President and Senior Environmental Consultant at Mundell & Associates, Inc. and our address is 110 South Downy Avenue, Indianapolis, Indiana. I can assure you by the stack you just received that I had no idea how big the other person's stack was going to be but I think we about matched it. Let me give you a little bit of an idea of what you are going to see there. (Exhibit R-M-01 through R-M-06) The very top picture is some slides. We are not going to go through them with as much detail because we have heard a lot of things tonight. We didn't know what to expect tonight really. All we had was a little bit of information about where this facility was going to be located and this submittal for application – your particular application, but not much more than that, so we had to anticipate some questions that we thought we would come up with regard to whether this site was for uses as it was intended. So the first exhibit you have there is just the slides we are going kind of use to go through. The other things – if you are wondering all the things about what IDEM will require of this site you have it all right there. You have the laws, you have the guidance documents, you have the application for CAFO so if you ever wondered about it, you have all the technical information in that stack. If you want to go through it you can at your leisure. We will touch on some highlights because it is pretty late.

I would like to say this. I have been hired to take a look at this and offer my experience. I have about 36 years of experience in the environmental area. My grandfather was a dairy farmer and I grew up in rural Clinton County, Indiana surrounded by cornfields. In my consulting career I have dealt with all kinds of pollution problems and facilities from landfills to industrial sites to dry cleaners to leaking underground storage tanks but I have also been involved in the review of agricultural CAFOs and to determine if there were problems with those CAFOs. In fact, one thing that is significant is in the late 90's I was involved in a court case where I was the expert and reviewed a particular CAFO that IDEM had approved; just like you are expecting them perhaps to approve this site. IDEM approved it. My client challenged it. I looked and reviewed what the state of practice was at that time that IDEM approved it and I found deficiencies in IDEM's review and I offered an opinion. I said here is what is wrong and here is what is needed in the CAFO industry and lo and behold I beat the State of Indiana and the permit was rejected and the laws for CAFOs were changed to include proper technical reviews of these kind of facilities. So I say that not to brag so much but to simply say we are traveling in a state of art that changes over time. Back in the late 90's the rules of CAFOs were insufficient to protect the environment and they needed to be changed. Today we have a much better set of rules to go on; you have heard a lot about IDEM rules. There are a lot of good things in there but we are again pushing the envelope about how big these facilities can be before they create environmental harm. So two things I want to just point out is that – the two big things I want to talk about because a lot has already been spoken about are this. What implications does the size of this facility have. In other words is there something about the size of this that is beyond what the existing review can deal with and what we know because there haven't been that many of these facilities built and we haven't had twenty years of looking at these facilities and how they actually operate. So is there something about the size and is there something about the particular setting that you are going to review that is the challenge here. In other words is there something unique about where you are going to put this that we should look at really harder so those are the two things. I will try to limit it to try to kind of focusing on those issues.

We have already talked about confined feeding, concentrated animal feeding operations. I showed this picture of Indiana simply to show the distribution of those kinds of facilities throughout Indiana and you will notice down in the southwestern part there is not as many. We may have questions like why is that. Perhaps there are reasons. In some counties there may be areas of karst; that is a geologic setting where you have sinkholes; you don't put confined feeding operations on karst. Why, because the stuff if it leaks out can really cause a lot of damage; it can go in cave systems all those kind of things. What questions can we ask about previously mined areas; that is something we will talk about. That is something to think about here because it is unique. So you already heard this; we are interested in impacts about water and waters to the state and you have heard some information about this going to be a zero discharge facility. I have to say one thing and I don't like to disagree with Farm Bureau that often but here is my experience. Just because it says it the regulations that something is a zero discharge facility doesn't make it so. In fact I have a whole history of coming afterwards of some of these

facilities looking at fish kills, looking at lagoon failures, looking at concrete pit failures, so just because the rules IDEM has says these will be zero discharge facilities doesn't mean they will be built and operated as zero discharge facilities. That's certainly the hope but it is something we will have to be aware of; that is not a guarantee. It's a hope but it is something we have to be careful about assuming that is just going to be happening because everyone says it is.

I am a little confused. I don't see all my slides here. Just a second, I am sorry.

Sorry for the delay. So getting back – what do we have here, we have a site where we are interested in water impacts and air impacts. We have heard about that; surface water and ground water and air impacts. We have the site setting; we have a map here basically showing the setting. It's got surface water features that have been caused by past mining operations. One thing I like to always point out that this is also part of the central pathway for migratory birds that actually come past this area and many of them stop here so the waters – whether it impacts us – if there is something that happens to waters here it is a bigger issue because this is the place that effects a lot of life, so I just wanted to say that.

This is another map that is just showing the topo but what is interesting here for me simply is this; the proposed facility, if you think about if it could leak and I know everybody thinks it is not going to but if it would leak where would it go – where would the stuff go – it would go into the ground water and into the surface water features. It sits between a couple of areas that have surface water features. It is also a complex, I guess I want to emphasize this with the next slide, you all know this has been mined so what does that mean in this situation. Is this a big deal? It's a big deal. I guess I want to say that. It's like karst; a mine has been disturbed. If you set something on it, what can happen – and I will just kind of be very straight forward. When this was mined and left in the condition it was smoothed over and in some case put a little soil on and left alone. If you want to go back and construct on it what do you have to be concerned about – you have to be concerned about settlement. If you put facilities on uncontrolled fill and you don't do it right or you don't investigate, the facility can settle. There are typically rocks that have been turned up or turned around and it is not like it's been deposited so settlement is an issue here that you have to be concerned about, more so than normal. What does that mean? We have heard tonight that there are investigations going on. That is good. Should the investigations be a minimal acceptable – couple of borings – they meet the IDEM minimum requirement. That would be ok right? No, because in this case this is a significant thing you have to be concerned about. If you put these facilities in the wrong places they may undergo structural distress from settlement so the investigations have to be very complete. We haven't at this point been able to review those but you know that information will be forthcoming and at some point someone should take a very close look at that because if you don't have enough investigation you may get surprised by way of what – by way of cracks in the slabs or settlement that can cause what – it can cause, if there is liquid, it can pass through the cracks and perhaps go down into the ground.

The other thing I would say we heard tonight is that they have plans, and I am just reacting to a few things, they have plans to remove the soil down 25 feet – what is that going to do – that is going to put those foundations right in direct contact with the mine spoil, never mind the stuff they compacted and prepared at the surface. They are going to go 25 feet down, that is going to be in direct contact with the mine spoil. Mine spoil has preferential pathways. If you have leakage into mine spoil that you are in direct contact with there is a greater concern if you do have a release where will it go. The other thing is and we haven't seen this because we don't have the plans so it is hard to be critical. We heard a lot of good things tonight from these plans but if you have the whole facility down 25 feet you also can have surface water drainage coming in because it is going to flow downhill to a lower spot. The question about how you control surface water drainage, how do you pump water out from a depression so we don't have – we don't have – there are no maps showing the final topographies so we don't have a lot of the final design details but this is something you have to take a hard look at. You are going to have facilities sitting right on top of mine spoil.

What I want to say is, the issue of putting this facility of this size and magnitude on a former coal mine is a concern that you have to do the right work. You have to do it right or you could sometimes have really serious consequences. Slope stability. My back ground is in civil engineering and environmental engineering. I have fixed a lot of dams and slopes in my time. Slope stability, we had an area in this area that had horizontal drilling that took the coal out from horizontal auguring. If you don't watch or know enough about the subsurface you can have stability concerns with the side slope. What I want to point out simply here is that there is an increased chance of failure in a project like this unless you do the right investigation. Now can you overcome that? Many times you can. Sometimes you can't. Sometimes the situation is bad enough you can't easily fix it unless you spend a lot of money. So sometimes when you want a site like this you either say we are going to spend the money to fix it or you are going to say no that is too much money, we need to look elsewhere. So, I want to just emphasize again this is a formally mined area. There aren't that many facilities like this in the State that have been sited on top of it and have been operating for ten years to know what will happen, so that is the caution. The caution is the site you are using. You have a lot of your county like this. If you are going to build things like this – this is a zoning kind of thing – you have to look at doing it carefully, responsibly but it is typically going to take more energy and effort than in locating these facilities elsewhere.

I don't want to go over all the IDEM requirements because you have heard all of those in a very good and extensive...you know they are going to look for a lot of things, IDEM. They are going to do a lot of review, but I will tell you this, they haven't reviewed a ton of these size of facilities so as much as I like to trust IDEM, I have also seen them fail in their jobs of reviewing sites that they have not experienced before; and those sites that they have approved have sometimes gone on to leak; sometimes fail and that sort of thing. So you can trust your state agency but it's not a blanket trust. This is a unique site. It is a huge site. It is a huge facility as far as the numbers of

animals and it is on this kind of property that not many people from IDEM deal with – abandoned mine lands or mine spoil areas.

Let me talk about the other thing I want to talk about; all the requirements. Your packets have all those things if you want to see how many things IDEM requires. I want to talk about air quality a little bit because I think...and that's the final thing right, is this going to smell, is this going to be a problem. You heard a lot of good things tonight. New upgrades in facilities - which are good, I mean I don't want to say all those things we heard were bad. All those attempts to minimize air problems are good things. We even heard about a Purdue model that said "Hey, if we had this much set back we should be ok." It's Purdue right? I mean Purdue has to be right – I graduated from Purdue but the point is you kind of tend to think well that must be a good model – it is trustworthy. I do a lot of modeling. I do groundwater modeling. I do air modeling. I have been a modeler all my life and so I have the biggest distrust for models because I know too much. So what I want to simply say is, and I took a brief look at the Purdue model and I haven't had time to look at all the work and I am sure I will maybe get a chance to do that, but a Purdue model isn't necessarily a correct model for this facility if the facility is such a size that when the Purdue model was developed we didn't have that many facilities like this. The Purdue model hasn't been calibrated perhaps against facilities like this, so a theoretical prediction doesn't always become a reality.

So air is the issue here. You already heard about all the problems with air and I was going to talk about you have to watch the particulate matter and all of that and all of the health issues but let me show typically – this is kind of a cartoon, this air quality issue (R-M-01, page 7) shows you a plume going over and that is what models do, they predict what the concentrations are and what kind of concentrations people can either smell or be exposed to. I will point to another plume. This is kind from the air looking down and you will see these colors – this is plume of particulate matter. It is not for this site but for it is for another site. The red and yellow colors mean it is a very high concentration, it is not good; it either smells bad in that area or it is bad for your health. Where is the blue may be lower concentration but above a certain standard. The point is, it is a prediction. That is what models do. The other thing you can do if you don't know what is going on is you can also take measurements. For example, if you take measurements after you build phase 1 of the site, you might be able to tell whether there is a problem before you expand it to phase 2 or phase 3. So when you don't real data you can collect it. People collect data on sites like this and you see if your models are satisfactory. I think what I want to point out...and we have already talked about wind roses and all of that... but let me see if I have anything else on this.

Let me talk on a couple of final issues on the air issue. The air issue – you have to take the measurements. You have to calibrate what you have. The other thing I want to say is IDEM is not going to help you with that, right, this is your concern. The air issue is yours. You own it. This county owns it. It isn't IDEM that is going to protect so whatever you decide to do you have

to tell them to do that in some way. I guess I would say as a modeler I don't always believe in models, I believe in the real data you sometimes have to collect.

Finally, two other things I want to say before I close; one is monitoring – monitoring of water. We didn't talk about that. How can you tell if this thing...if it doesn't leak you have to believe it right? No. You verify. You verify by doing what, by collecting samples of surface water and ground water around this facility. So you can if you choose –decide in order to protect yourself because of so many unknowns you need to monitor around this facility to collect surface water samples and ground water samples. How often? For as long as this facility is around. You can create a monitoring program. You can decide that that is satisfactory for this situation until you are absolutely convinced this isn't causing a water problem. So a monitoring program is something that can be considered.

Finally I guess I would say one more thing and it has to do with application of the manure on your land. I think someone, we calculated and I didn't make these calculations, it is going to need about 4-6 thousand acres of land in the county to take care of all of this chicken poop, right. That is a lot of acres. A lot of acres that – what does IDEM require – it requires that you – they know exactly where they are all going. That there is actually a capacity and a market and people can take that. That 4-6 thousand acres – and maybe that does include dead carcasses, I am not sure if it does, usually it doesn't, which means you need more than 4-6 thousand acres if you include those kind of things. So as an engineer I don't design anything that is an exact number; in other words if I need 4,000 acres to be safe I need to put a factor on that, whether it is 1.2 or 1.3, 1.4. You have to make sure you have that. If you don't have that acreage then you are over applying it and that is when you get into trouble. So that 4-6 thousand you may need more than that and that is a lot of acres and it is a lot of acres...and I liked the comment that we heard from the gentleman "chicken poop is good". It's good stuff but if it's over applied it's not good. That's what we are trying to control here. The challenges you have are two things: one this is a huge facility. You are unique in the state. You are going to approve a huge facility and if you are going to do that you have to be very careful in my point of view from an engineering standpoint and a science standpoint. We don't have that many examples and we don't have that many examples that have worked a long time to say it's not going to be a significant environmental impact. Number two, you are placing it over something it doesn't get placed over that causes greater uncertainty. So that is that is – we didn't have all the benefit of all this stuff today and I know a lot more about what they are planning on doing but if I were to consider this site I would consider those issue and this isn't your run of the mill...it's not about, I don't think it's about us against agriculture, I think we all like agriculture. We need that. The question is how much do we need to have. Do we need this kind of facility or can it be something else. So anyway that is kind of what I wanted to point out.

Ok, two more things Mr. Long reminded me of; I was trying to get through this because it is late. One thing is this wind rose I have up here; I just want to show you. (R-M-01 page 8) We talked about which direction wind was coming out of right, as well as you know that wind rose that

means in the...you can see the long legs of that wind rose means that is the direction the wind is blowing from and that is the primary direction and the bigger the legs that is the strongest places. But the other legs aren't zero and if you take a small percentage of the time, for example, if one of those legs represents...this is a five year period. It shows you how many days it's going to be blowing in that direction. Well a small percentage doesn't seem like much but those east and west legs over a five year period are in the...you know, 47 days. Well you care about that if it's your area – if it's 47 days out of five years those could really be bad days. I guess the point is, this isn't just an easy problem. People are going to – if this doesn't work, if the odors aren't controlled you can smell them further away in many directions. The other thing I want to say about wind is this, lots of talk about trees and buffering. Good things. When you plant new trees, are they going to be effective the first year? What do these trees look like? Do they look like sticks or are they fifty feet high? They are not going to do much unless they are significant trees for a long time. It could be ten, fifteen, twenty years. Planting is a good idea but it is for the future, it's not for the first five to ten years of operation. So that was one thing and the second thing is what else would I like to see. Well I would like, to be honest with you, I would like to see the whole IDEM package, that is what I would review. I haven't seen the structural details of these facilities. They show us pictures of their "like" facilities; that's good but they are not these facilities so we don't have the design drawings for these. So the design drawings, the sub-surface information, how many borings, how deep they were, what their manure management plan...I think you deserve to see all of that. Even though you are not IDEM it is information that could make you feel better about saying they have been very thorough and even though they have been very...I take it they are very good local citizens, it would just be additional proof I would like to see to make that I would like to see to make that decision. Thank you.

Anthony Long: We had a couple of comments earlier about and I am not for sure who said it from Dubois County who said "well we haven't had any complaints up here in the last years." Understand the regulatory scheme of Indiana. The application – the rules and enforcement of the rules for applying chicken manure on ground is under the offices and jurisdiction of the Indiana State Chemist up at Purdue. Of all the state agencies we dealt with, I have to applaud them because they were the most forthcoming in offering to help and a lot of the stuff they had took a lot of wading through. It is online. The first thing I will tell you is all the enforcement cases and there are a couple hundred of them over the past five years. Sheena is going to pass out exhibit number 5 (R-05) which is a cover sheet of all the counties in Indiana and this is prepared by us based on the case summaries which is also presented and we have given you each of them; for every case the State Chemist has investigated and proceeded on in that period from 2012 through whenever we got these, the other day we got these online in 2016. Whoever testified before you and said up in Dubois County they hadn't had any complaints in years hasn't talked to the State Chemist because it had thirty-four complaints. Thirty-four complaints, most of these are odor and they all relate to the application of manure to land. There are regulations that have to be followed and the State Chemist doesn't go out do this on their own – they do not investigate – they do not investigate and make cold calls – they wait until they get a complaint. I noticed, and

you can look through these at your leisure, one of them has stuck out in my mind – some of these they got called out – a lot of them relate to the piling of manure on the property before they apply it and there are rules you have to go through for all that. It rains on it and it smells to high heaven and people complain. Well, they complain on one day and they go out and investigate fifteen days later and guess what – it's not there, so they have no case – found no violation. People don't follow the rules. Another case, you would say when they find these cases they really hammer these guys. One case in there were 73 violations uncovered in one investigations -73- and they impose a fine of \$250 apiece which was \$18,750 I think if his memory – that should have gotten their attention but they reduced the fine to \$4600, a little under \$4500, so it went from \$18,000 to \$4500 and then they deferred \$2500 of that. So 73 violations – 73 violations in that case – resulted in a \$2000 fine; \$30 apiece. That is the effective enforcement mechanism that Prime Food Holdings is saying is going to protect the citizens, including yourselves, in Warrick County from this.

The Department of Environmental Management, we called up and talked to them and the response we got was “we can't talk to lawyers” which maybe is a good idea in this world. It's my understanding they don't enforce except by complaints either. We will get into how the records are kept in these things and who can do the application as we get into this application but there is woeful inadequacy of any enforcement. As John told you, the stink is yours. You have to regulate that and you don't have anything to regulate it with. The wind rose says the wind blows from all directions of the compass and anybody that is in that direction from that property is going to be faced with whatever comes off that property with the wind.

We think that with regard with the site – is this site adequate. You have to decide. That is your number one. Is this an adequate use for this site? Is this site adequate for the proposed use? You don't know that. You do not know that. One of the presenters said site investigation is underway. It is underway. Mr. Doll and I believe everything he tells me, just like Facebook. Morrie and I have been friends for years. The borings on the site, however many there are, I presume at least two – whoever said that to you had to put an “s” on the end of it, are being analyzed. Once this thing is over, whenever it is going to be, daylight or whenever, that is all you are going to have and you've got to make a finding to approve this that this site is adequate for this use. How can you possibly make that finding without knowing what the substructure of this unproven strip ground is; would you want to hire somebody to build a house out there without having the borings on it to know what kind of foundation. You can build on reclaimed ground; it is done a lot. I think it's called floating footers but you find out what your base is; they're asking you to approve a proposed – it started out as a fifty million dollar investment and somehow in the last thirty days it has grown another twenty million; how I don't know. It was fifty when they filed their application and it was fifty when they filed their amended application and now it's seventy but I can't fathom being asked to approve the suitability of a site without knowing what the structure is. You don't know what the pathways to the ground water system are; we heard spills talked about – the only spills they have to report – that anybody will ever know – does it go into

waters of the state. That is a term that as an attorney – you need a fishing license if you are going to fish waters of the state. What is a water of the state? That is a body of water that a stream flows into it. If you have a pond or lake on your property that does not have a tributary to it, that's not waters of the state and if they spill into that nobody knows it but them. It has to be into waters of the U.S. I am not for sure what that is other than when we go up the highway we see those signs all the time, or it has to run onto somebody else's property. So they could spill whatever it might be that would go into the crevices of the ground and go into the ground water and there would be no reporting requirement whatsoever based on what they have told you tonight. Now I, you ask me technical questions, I can't answer them but from what they have told you tonight there is no requirement to report that or do anything about it – to go on down the road.

Let's talk a little bit about your second question; will it be an adverse effect on the surrounding area. This is the area we are going to spend the most time on. We reached out to a physician by the name of Indra Frank in Indianapolis to seek her observation. We are going to hand out exhibits (R) 6 & 7 simultaneously. Exhibit 6 is her curriculum vitae; she is a board certified pathologist. She is board certified in laboratory medicine and hematopathology. In 2004 she shifted from private practice into environmental health and for the last ten years in environmental health programs she has been involved in establishing policy, grant writing and teaching. She is the Environmental Health and Water Policy Director for the Hoosier Environmental Council and she is an adjunct faculty professor on Environmental Health at the Richard M. Fairbanks School of Public Health at Indiana University up in Indianapolis. She has and is a medical doctor and is involved environmental issues and she consented, in being presented with this question, to help us. The first response when we sent her the application was "where is the rest of it?" She has been doing this for years, where is the rest of this application. I jumped on Sheena; I said I told you to send her the whole application. She said "well I did." And she did. Exhibit 7 she says "*a full assessment of the proposal's impact is not possible due to the lack of information in the proposal to date. I have been told that Prime Foods proposed to have a total of 2 million laying chickens when the facility is complete, and I have reviewed the application submitted to the Warrick County Board of Zoning Appeals. The application has very limited information about how the facility will operate. * plans for manure/used litter storage, transportation or disposal; * plans for building ventilation, which will contribute to air emissions; * plans for odor control; * plans for disposal of dead animals; * or plans for water use and wastewater disposal. Even though the application does not have any of these plans, it is possible to assess the adverse impacts and hazards in a general sense based on well documented data on large-scale chicken production facilities, their air and water impact, and health implications.*"

Now I think we have established these chickens will produce manure, we have learned that tonight. How much? Anybody got any idea? I don't. Well, I do, but not from what I heard tonight and I will tell you we have two experts in the area and they have disagreed; this is the one area of disagreement they have; they disagree in the amount of daily production of one laying

chicken by .73 ounces a day. That is how close they are so I think their accuracy goes without speaking. One of them from Indianapolis and one is from Seattle, Washington. Under the model of the U.S. Department of Agriculture's Natural Resources Conservation Services, laying chickens produce 60.5 pounds of manure per day for every 1,000 pound animal unit. End of quote. That didn't help me a whole lot. What that means is if you have – assuming that same thing applies to, well I guess maybe it does – a cow that weighs a 1,000 pounds they expect 60.5 pounds of manure a day. Chickens, however many the average weight is divided by 1,000 that is how many it takes to have a uniform – that make sense but it took me a while for them to tell me. The average layer weighs 3.42 pounds according to the University of Nebraska extension as she has footnoted, it is possible to calculate the average manure production per day. 292 chickens is an animal unit. 60.5 pounds of manure per day per animal unit equals .207 pounds of manure per chicken per day. Now if you multiply that by 2 million you end up with 414,383 pounds of manure per day. So based on this scientific analysis, when this project gets to their projected 2 million birds, and we are not sure on that now – they didn't say it in the application. I guess – whatever. 414,383 pounds of chicken manure...

Carcass disposal; you have seen the plans. They said they are going to have a composting area where they put them in and cover them with litter and whatever; I can't remember what it is – straw or whatever and let them set there for "x" period of time. They talked about a dead animal facility; I don't see one on the plan anywhere folks. There isn't. I have looked at it and gleaned it; there is no plan before you for a composting area for the dead animals. How many are they going to have? How many chickens are going to die out there? Do you know? The proposed facility, based on the Louisiana State Ag Center, 1% in the large egg production center die per month. That's according to LSU Ag Center Poultry Environmental Best Management Practices. It is cited for you there (R-07); the study that produces that so 2 million chickens that is 20,000 chickens a month that are going to die. 3.42 pounds; that is 60,000 pounds of chickens a month so it is another ton of waste a day; and how are they going to dispose of them? They say they are going to compost them and as he understands from our investigation they then throw them on the truck with chicken manure and they get spread on the ground. That is what I think happens to them. I agree with the idea...in our investigation I tried to agree with them where I can, when chickens reach the end of their processing and somebody said a year and a half, we will talk about that a little bit more – we think it is somewhat longer than that because there is a molting process that can extend the laying life. I am not entirely sure how they do that or what it is but they are going to be producing 20,000 dead chickens a month. That is something they will have to deal with. Her opinion is *unless it is handled very carefully, this huge amount of waste could easily create massive problems with odors, air pollution, infectious disease risk, water pollution, flies and rodents.*

There are at least 160 chemicals with bad odors in poultry manure and more still from dead animals. The odors are not just unpleasant, some of what goes into the air from intensive animal operations create air pollution that can affect health.

Air emissions from laying chickens and their waste products include hydrogen sulfide, ammonia, volatile organic compounds (VOCs), and particulate matter. Hydrogen sulfide at low levels has a rotten egg smell and causes eye irritations, nausea, diarrhea, sleep disturbance, poor memory, fatigue, balance problems, cough and headache. It causes difficulty breathing for some asthmatics. Hydrogen sulfide is toxic to the brain. It can be lethal and lethal levels (over 100 ppm) can be released when stored manure is agitated. The National Air Emissions Monitoring Study, led by Purdue University, found that laying chickens produce an average of 600-700 micrograms per day per hen of hydrogen sulfide and that the exhaust from each production house of 95,000 hens had hydrogen sulfide concentrations of 9.4 – 9.5 parts per billions (ppb). For comparison, the EPA's reference concentration for safe chronic inhalation of hydrogen sulfide is 0.7 parts per billion (which is 1 microgram hydrogen sulfide per cubic meter.) With 2 million chickens, Prime Foods will produce 1,200 to 1,400 grams per day which is enough to contaminate more than one billion cubic meters of air beyond the EPA safe limit every day.

Ammonia has a biting, repellant odor even at very low levels of 0.04 parts per million (ppm). It causes eye irritation beginning at 4 ppm and irritation of the nose and throat above 25 ppm. Concentrations above 2500 ppm injure the lungs and can be fatal. It is produced by laying chickens at an average rate of 415 kilograms per day per 246,000 laying chickens, so the proposed facility with 2 million laying chickens will be putting an average of 3,374 kilograms of ammonia into the air every day. Ammonia can trigger asthma attack in some asthmatics. A study in Washington state found that increasing ammonia decreased lung function in children with asthma.

Volatile organic compounds (VOCs) are emitted from chicken operations in quantities averaging 58 milligrams per day per hen which means 2 million chickens will put more than 100 kilograms of VOCs into the air per day. VOCs produce eye, nose and throat irritations and can cause headaches, nausea and loss of coordination at high enough concentrations.

Laying chickens produce 15-17 milligrams per day per hen of fine particulate matter (PM2.5) Levels of particulate matter in air are associated with respiratory and cardiovascular illness. Particle that small can get deep into the lungs and even be absorbed into the blood. Exposure to airborne fine particles increases the risk of cardiovascular disease and reduces life expectancy. The longer a person has been exposed, the more the risk, but even exposures of hours to days have a measurable impact. Fine particles irritate the lungs and worsen lung diseases like asthma.

She goes on to talk about the wind rose that was produced by John Mundell. That ten year cycle shows the wind in Evansville came in any directions but it comes from the south and southeast 19.6% of the time and from the north and northwest 15.2% of the time.

There are infectious disease risks that she talks about; Listeria, Salmonella and Campylobacter. This is a bacteria that does affect humans and Campylobacter bacteria can cause brain abscesses,

meningitis, Miller-Fisher Syndrome & Guillain-Barre Syndrome, both nerve disease that can cause paralysis, hepatitis, gastro enteritis; a fancy name for diarrhea I guess; reactive arthritis and soft tissue infection. We think that is something that one would want to know if you were going to live next door or in the neighborhood of such a facility.

Water pollution – Manure washes into streams and rivers after it has been spilled or spread and there is no question about that. They are saying if built, the proposed facility will create more than 400,000 pounds of manure per day. It is such a large amount that no matter how it is handled, the chicken manure could easily wind up in Otter Creek which crossed the property.

She recognizes and opines to her letter and I don't intend to read all of it but according to Louisiana State University Ag Center, *both fumes and rodents are significant problems at large poultry facilities and both can pose both an adverse impact and a hazard for the surrounding community. "One of the largest management problems facing poultry producers is filth fly control. The shift from many small farm flocks to fewer large poultry operations has greatly increased fly problems by creating concentrated breeding area and large volumes of waste that cannot be removed frequently." On rodents; "It is unusual to find a poultry farm that does not have at least a few rats or mice, and, more often than not, the populations is much larger than suspected."*

I would point out that attached to her (letter) (R-07) is a United States Department of Agriculture report and I am not going to go through very much of it but one thing, on the second page of that for layer chickens – 1,000 pound animal unit is 60.5 pounds per day (manure), but down on the recoverable manure by livestock, in livestock type is 95% with laying chickens. What that means, at least as I believe, is if they produce 450,000 pounds of manure a day, 22,500 pounds of that is not going to be recovered to be loaded and hauled off and it is going to somewhere in that site. It escapes into the site and therefore we have the action of the ground water implication; and into all the lakes that are on this site.

In addition to Dr. Frank, we talked with Dr. Stephen Jay. He is the past founding chair of the IU Richard M. Fairbanks School of Public Health and he now serves as a professor of Medicine and Public Health there. Dr. Jay, and I don't think he ever played pro-basketball, is a very out-going, cooperative individual, willing to help in matters of environmental concern. His short statement of his background is reflected in our exhibit 8 (R-08) which we offer into evidence. He is has corresponded with my partner and son, Adam. That exchange is submitted to you as exhibit 9 (R-09) and without protracting this longer than is necessary, I refer you to page 2 of that report, *as a clinician, pulmonologist, and public health professional: 1. Industrial for factory farm operations create toxic air emissions that harm the environment (air, water, soil, ecosystems) farm animals, farm workers, and people who live in the area, among others. 2. There is conclusive evidence (documented in peer-reviewed science journals and from testimony of private citizens from communities near industrial farming operations) that industrial farm air pollution causes human disease, death and suffering at significant costs (business; health costs*

and quality of life). The evidence is not new-but has been published over the past 30 plus years. Recent research has added important information regarding mechanisms of toxicity but has largely confirmed long known human hazards of ambient air pollution. 3. The PEW Charitable Trusts Report: (2008) *Putting Meat on the Table: Industrial Farm Animal Production in America*, which we are going to offer into evidence to you at some point in time, is a science based 'framing' of the burdens that industrial farms place on society-health, environment and costs. The Public Health section of this report (Page 10-21) outlines specific hazards to health and environment of industrial farms. On page 16- the Occupations Health impact of Industrial Farm Animal Production outline the science in 2008 (based on science from the previous 30 years) of human adverse impacts of breathing air pollutants on factory farms; Community Health Effects and Vulnerable Populations; and Respiratory Health and Neurobehavioral Outcome are issues to be concerned. 4. Southwest Indiana is already one of the most polluted regions in the United States as results of the concentration of coal-fired power plants in this area. There was an editorial from a few days ago, not long at all that is entitled... Where are the big polluters? Within thirty miles of Evansville I think there are seven, count them, seven coal fired power generating stations. We are not here to fight the battle or war on coal. I am an advocate for clean coal technology for many years; coal has been a major part of our community and we, as a society, need to advance clean coal technology but that is a reality – we are in the Ohio Valley. Histoplasmosis is an issue we have in this area. There is presently an outbreak of recent origin of treatment over in the Rockport-Grandview area that some and I am not saying there is any conclusive evidence believes that it may well be connected to a recent CAFO of turkeys. Fifty-five thousand I think in that area. 5. *Decisions about adding potentially new sources of air pollution in this area (Industrial farms – CAFOs etc) must be examined very carefully by community leaders and policy makers. As mentioned above, creation of airborne fine particles toxic to humans occurs when ammonia from factory farms, and this is what is significant, combines with oxides of nitrogen and sulfur from coal power plant, and I would add fossil fuel producer; automobiles, trucks, tractors, all produce the emissions and when they combine with that they produce fine particles that are toxic to human individuals. Southwestern IN already has a high concentration of polluting power plants. CAFOs will only add to the health burdens with increased morbidity, mortality, suffering and decrease the quality of life of Hoosiers who live in the area. Those are concerns the folks that volunteered to my knowledge at this point to offer their opinions and information for your use and benefit.*

There is publication exhibit 10 (R-10). Some of these I won't spend much time on but this is Will This Lawsuit Curb Extreme Air Pollution From Factory Farms? It is an article from 2015 and it says *There are about 20,000 factory farms in the United States and together they produce more than 500 million tons-or 1 trillion pounds-of manure. These farms, also called concentrated animal feeding operations (CAFOs), altogether house billions of chickens, dairy cow, hogs, and other livestock. The waste from these animals adds up to more than three times the raw sewage produced by people in the U.S. and it emits significant amounts of harmful air pollutants (PDF) that include ammonia, methane, hydrogen sulfide, particulate matter, and*

volatile organic compounds (VOCs). ... As the groups (and the Congressional Research Service) explain, the U.S. Environmental Protection Agency (EPA) does not comprehensively regulate the air pollution coming from large livestock operations...They are associated with potentially dangerous acuter and chronic health effects, among them respiratory illness-including asthma and bronchitis, headaches, eye irritation, cardia symptoms, nausea, and neuro-psychological disorders. There's also evidence suggesting that the smell emitted by come CAFOs might raise the blood pressure levels of nearby residents....When the airborne nitrogen in these compounds lands on waterways, it leads to the algae blooms and "dead zones" that now plague the Chesapeake Bay, the Gulf of Mexico, and other marine environments....The lawsuits specifically ask the EPA to respond to two petition the groups filed in 2009 and 2011, to which the agency has not responded. The 2009 petition asked the EPA regulate CAFOs as a source of air pollution under the Clean Air Act, while the 2011 petition asked the EPA to regulate CAFOs' ammonia emissions. Those cases, to my knowledge, are still on going. At least I have no indication of their resolution.

Interestingly, during the process of this, there was some discovery...in the legal business we write questions to the other side and produce some information. It was a suit brought by the American Farm Bureau and the National Pork Producers in Federal Court seeking to block the EPA from releasing information about the locations, size and ownership of factory farms requested under the Freedom of Information Act. I am not sure why they would want to...the case was dismissed by the Judge...why they would want to prevent public record about the existence of their CAFOs from coming into the public arena.

Exhibit 11 (R-11) which we offer is a Major Source of Air Pollution Study that farms are that and I entrust that to you because of the lateness of the hour without further comment. Exhibit 12 (R-12), the one we referenced earlier; "Putting Meat on the Table: Industrial Farm Animal Production in America". We would offer that into evidence. It is a product of the PEW Charitable Trusts and Johns Hopkins Bloomberg School of Public Health. One of the most serious, and I read just a few parts of it...*one of the most serious unintended consequences of industrial food and animal production (IFAP) is the growing public health threat of these types of facilities. In addition to the contributions of IFAP to the major threat of antimicrobial resistance (smith et al., 2002; Smith et al., 2007) IFAP facilities can be harmful to workers, neighbors, and even those living far from the facilities through air and water pollution, and via the spread of disease. Workers in and neighbors of IFAP facilities experience high levels of respiratory problems, including asthma. Citing the studies that have been going on for years to establish this...workers can serve as a bridging population, transmitting animal-borne diseases to a wider population. (Myers et al., 2006). A lack of appropriate treatment of enormous amounts of waste and none of this is treated, may result in contamination of nearby waters with harmful levels of nutrients and toxins, as well as bacteria, fungi, and viruses. All of these can affect the health of people near and far. Animal waste in such volumes may exceed the capacity of the land to absorb the nutrients and attenuate pathogens. Thus, what could be a valuable*

byproduct becomes a waste that must be disposed of in an appropriate manner. Remember the 73 violations.

Feeding these operation systems are largely unregulated and many practices common to this method of production threaten public health and environment. This the PEW report that they do conclude that the end results of what has occurred are probably unintended but none the less the failure to address the issues will further exacerbate the problem.

Let's talk a little bit about – let's get of the science of this thing and let's talk about land values. I still think this is one of the most interesting things; I think the study that was offered by the appraiser for the applicant is what we would call an anecdotal report; taken (by) some individual without and I think the Board has indicated we don't know the history of these transactions – what the circumstances were – what the surrounding things were. We know that the one assessor said they hadn't had a complaint in years was - probably didn't get out and around a whole lot. Prime Foods tells you, Prime Foods Holdings, tells you, in fact, quote, "this very substantial investment and agricultural processing facility will, we believe, have a positive impact on surrounding property values" end of quote. I think what they are telling us is that my clients ought to be saying "wow, we are going to get rich over them putting over 2 million chickens in our back yard." Producing millions of pounds of manure, flies and other vermin – put in a major feed mill – let me make a point on the feed mill; that's not in your jurisdiction here. Feed mills are "M-2" zoning and that's not a part of that. You can't - you don't have the jurisdiction to approve a feed mill as part of this. That like their egg processing facility is likewise an "M-2" zoning and it is outside the per-view of this application. I would be happy to give you the zoning code; I am sure Mr. Doll can confirm that. Certainly Sherri can if he can't.

One thing I would say about Mr. Matthews's report is it is not peer reviewed. I know Mr. Matthews and I am not here to denigrate him in any form or fashion other than I want to point out and this is not denigration, he is a member of an organization and he proudly proclaims that as does Luke Nordine who worked with him on this. They are professional memberships. Mr. Nordine is right here, Appraisal Institute - Candidate for Designation and Mr. Matthews' professional memberships: American Institute of Real Estate Appraisers, Appraisal Institute. The appraisal institute is a national association of professional land appraisers. The difference they produce articles that are peer reviewed. Peer reviewed means you've had a professional in the area; appraisal in this instance. Professionals, who are your peers, review your material and unless it passes peer review it's not acceptable for publication for peer review publication. So if something is published in the Appraisal Institute's magazine which is called "The Appraisal Journal" it has been reviewed by independent professionals and found to be accurate and worthy of public and professional consumption. That "Appraisal Journal" published an issue in the winter of 2015, last winter and in that article it was entitled "Animal Operations and Residential Property Values". That is exhibit 13 (R-13) which we submit to you. If you read anything that I submit to you I would read that. I have read it a multitude of times. It was written by Dr. John A. Kilpatrick, who is a PhD and an MAI which is an appraisal designation. He is recognized as one

of the leading authorities on the impact of CAFOs on the value of neighboring properties. One of the leading authorities in the nation; he practices out two places in the country by the name of Greenfield Advisors. One is in Seattle, WA and one in Atlanta, GA, Cartersville, GA. Now unless you thinks because my son Adam, who practices with us lives in Marietta and practices out of our office which is sometimes an interesting treat, lined us up with him. He did not. I read this article. I think, I don't know if we dug it out from our research. My clients which I would report to you are 100 in number-we believe as many as 1,200 have been supportive of our organization, Warrick Ruined, to come before you today. I called Dr. Kilpatrick and explained this application and I provided as much information to him as I could. Again, you have heard me before, the application, which I think was willful in its lack of detail to prevent us from doing this, but Dr. Kilpatrick when I told him what we had he agreed to review the facts of it and to submit a report of his opinion as to the impact that will be felt by the properties surrounding this project. Now I have prepared for you Exhibit 14 (R-14) & 15 (R-15) that Sheena is handing out. Fifteen is the professional qualifications of Dr. Kilpatrick, showing his PhD, publications and working papers, educational background and the like. His report, which is exhibit 14 we offer these into evidence.

It was mentioned earlier that if he was going, if this entity, whatever it is, was going to do this project and they have over 30,000 chickens, laying hens and it's not all chickens...that makes it a large CAFO under the federal regulations. Other than laying hens you are talking 125 thousand or more and with laying hens other than liquid manure handling systems 82 thousand or more. Under any definition, they are a large CAFO. I am not going to read all of his introductory comments in deference to the lateness of the hour, but there are a couple of things I want to address. *Water quality problems include discharge of nitrogen and phosphorous pollution, organic matter, "solids" (manure, spilled feed, bedding and litter, feathers, and even parts of animal corpses), salts, arsenic, odors and volatile compounds, antibiotics, pesticides, hormones, and disease-causing pathogens such as bacteria and viruses...all of these degrade the local water supply...air quality problems include the release of ammonia, hydrogen sulfide, methane, and particles, all of which pose human health risks. From an economic and valuation perspective, properties next door to one of these are nearly worthless. All of the properties close enough to feel the physical effects will likely see their values go down. The economic burden of massive concentrations of waste is passed on to the surrounding neighbors. Chicken manure contains the highest amounts of phosphorus, potassium, and nitrogen, and is considered a significant odor pollutant.* He says going on in his article, I think where I got it, he got to the .23 pounds of manure per day per chicken and he comes up with 460,000 pounds a day based on that formula. He estimates 16-24 million pounds of waste per month. *In 2012, Environment Maryland claimed that water runoff from agricultural land fertilized with chicken manure, particularly phosphorus, was the cause of increased pollution levels in the Chesapeake Bay.* I think all of us have read issues with the Chesapeake Bay problem. *Ironically, the government in Abbotsford, British Columbia, if you don't think this stuff smells, took advantage of the manure*

odor and sprayed a homeless tent encampment with chicken manure to dissuade homeless people from the area.

He talks about the wind and he puts a wind rose in his report. He got his from the Indianapolis area, but *for every ten days that the wind prevails from the southwest,... it will also blow 4 to 6 days from the opposite direction.* Thus, the applicants say the only people who are going to be involved are the people upwind or downwind I guess it is of the facility, *while technically correct regarding the prevailing direction, the report filed by the CAFO sponsors misleads the reader by not noting that the odors will blow directly at the nearby residences on any days.*

Economic studies of large CAFOs tell us that the county as a whole will most likely suffer, In similar situations, tax collections are reduced as local property owners appeal their tax assessments. ...Generally, the concentrated animal operation employs few new farmhands ... larger operations spend, on average, 20% less locally than smaller, more traditional farms...counties with these massive livestock factories have lower economic growth rates than traditional farming communities...2 million layers (not counting chicks) will consume about 3 million pounds weekly, or about 60 tractor trailer trucks per week. Also, the eggs will need to be hauled away. He estimates 20 egg haulings a week.

In his article he has documented numerous communities around the U.S., and that is why I prefer you to read this, *where property tax assessments had to be lower for homes near these big animal operations. Reductions range from 10% - 40%.... Tax collections must either suffer overall reductions or be increased for county residents farther away to make up the sortfalls. ...In Mississippi, I found value impacts as far as nearly 12 miles away from a poultry processing facility, in an area where rivers and flooding carried waste many miles from the facility. In other similar situations, surrounding property values declined by 26% to as much as 88% as a result of these factory farms.* Keep in mind this property is in the 100 year flood plain and in recent weather events that we have had that would support the proposition that rain and water and flooding is a possibility.

With regard to Dr. Frank, I would tell you if you have any questions of her she has indicated a willingness if you will submit them in writing to Mr. Doll he will forward them on to her and answer them directly to you all. She was not able to be here tonight because of her schedule.

Even though Dr. Kilpatrick is a Indiana State Certified Appraiser, he works out of Seattle, WA and we thought we ought to ask a local realtor to weigh in on the issue. I called my longtime friend Janice Miller, ERA First Advantage Realty and asked her, told her what our problem was. She sort of chuckled and said "I sold a house not too long ago in Dubois County because the people were so offended by the odors next to the poultry operation that they sold their home." She said she would be willing to have her company help and look at this matter and assigned Chris Dickson, who is the general manager of the realty company. He agreed to review by way of the property cards of our individual clients and I would tell you that some of them were

obtained substantive from his report but he also agreed to research the issue and we offer that, his local assessment as a realtor as exhibit 16 (R-16) which we offer into evidence. I would tell you, and again I am going to jump around a little in deference to the time. *I have served on the Southwest Indiana Association Board of Realtors as a director for the last 8 years and have served as president of that body. Concentrated Animal Feeding Operations definitely have a deleterious effect on nearby residential property. It is my understanding that the facility proposed here will have two million laying hens in production, plus replacement chicks being raised to maintain production as older hens are destroyed. I'm told further told that these two million hens will produce more than 16 million pounds of waste every month. That is 192 million pounds a year! One does not need to be a scientist in order to know that this will affect the environment in several ways: diminished air quality, terrific odor, ground water and surface water contamination. This will have a significant negative effect on proximate residential properties. My professional experience has taught me that people looking for a home will reject areas near landfills and commercial operations. Here we are talking about all the negative effects of both a landfill and a commercial operation. My sense is that properties within a mile or two of this operation will see a decrease in value of 25% to 45%. Even properties within three to five miles will see an impact, from 10% to 20% or more. This then puts downward pressure on property assessments and valuations for taxation, which reduces tax revenue for public expenditures. It is just a highly negative situation. I am not a scientist or an environmentalist. I just have helped people buy and sell houses for the last 19 years. These observations come from watching buyers react viscerally to situations where location poses a clear environmental problem. They also come from sitting across from the table from sellers and watch their dejection as I explain that their location is holding them back from recovering the money that they have invested in their homes. Sad situations all.*

Directly across the Kelly Road from this property is one...from this property, is a designated and platted subdivision known as Heron Lake Estates. We are offering it into evidence as exhibit 17 (R-17) and adjacent to Heron Lake Estates is Heron Lake Estates Minor Subdivision and we will mark that as exhibit 18 (R-18). It is also offered. On a sideline, I am told, and we have a wetland exhibit in a minute, there is a wetland at the southwest corner of the intersection of Kelly Road and Eby Road which is adjacent to these subdivisions. I can't tell from the maps but it may be part of them as an outlot. This wetland is a home to a multitude of divergent waterfowl and birds and is a regionally known, renowned site for bird watching. A tourist attraction in my own neighborhood and I didn't know anything about it. These owners have sought the services to market these residential properties and these subdivision by seeking the services of Don Lee. Mr. Lee has been in the real estate business for 50 years; 40 of those have been here in Warrick County. He is also a remonstrator herein and a client of ours in this case. Mr. Lee is a professional realtor, auctioneer and real estate developer and has worked as a banker. I would ask, he was here earlier and unless he is worn out I would like to have him come up just to give a very brief observation as to his professional view as a developer and a realtor as to the impact these CAFOs will have on existing subdivisions. I would tell you that Don texted me during the

wages discussion and he, you have to sign in here Don don't forget that, he said he knew somebody who worked at Prime Foods a couple of years ago and they paid \$8 an hour, for whatever that is worth.

Don Lee: Thank you. Don Lee. I have been in Warrick County since I guess '71. I can tell you I don't disagree with what Mr. Matthews had to say about the properties that he presented. I don't at all; he is a very qualified person. I can tell you that we are not looking at \$100,000 properties and \$150,000 properties. There is a few that borders there in Greenbriar that have been there long before the coal company and definitely long before an egg producing plant. I can tell you that what Mr. Dickson had to say is very true. David is a past president of the association also and I am a two term past president of the association. Working with clients that want to buy homes sometimes you learn real quick. I think I heard the term earlier in the presentation, the term that stuck in my mind was "perception". Whether it stinks or not, perception says it stinks. Whether it has rats or not, perception says it has rats. The landfills; they have the same problems. Chris hit it right on the head. When you are out there in the field and I am not speaking to you today as an appraiser, I am speaking to you as a selling realtor who has done this for 40 years and who has worked with people most all of my life. I have spent a dozen years as a banker in my early career. I used to finance them and I can tell you the perception is there and it is definitely going to not only lower the price of the properties it is going to lower the desirability of them; make them much, much harder to sell. I got involved in this project when I started working with the Greer's' a couple of years ago. We are talking about properties that are not small lots; not outlots, one house here one house there. We are talking about thirty properties that are on, going to be on the market, depending on what happens here. They won't be if in fact this does go through. They can't be. There is about a million dollars that has to be spent across the road for all the improvements and nobody in their right mind is going to put a million dollars in that property and wait for the chicken plant to raise the value of their property because it is definitely not going to do it. They have thirty properties over there that are going to produce homes probably in the range of about \$400,000 - \$700,000. That property has already been approved by the County. It has already been zoned. It is not a wish. It is something that is doable and already had our meeting with Boonville. We have already agreed on our water line. We know what we are doing with our water line. I can tell you that we are not talking about a small project. There is probably between 2.5 and 3 million dollars' worth of lot in that particular property right across the street. We are not talking about small homes. The home across the street is a half million dollar house and a quarter million dollar horse barn. The subdivision right behind that to the south, that one I believe is almost full; there's three maybe four lots left in it and we are talking about \$250,000, most of them, up; very, very nice properties.

The thirty lots we are dealing with we figure they are probably going to generate somewhere in the range of twelve million dollars' worth of assessment. We are not a sixty million dollar project or a ninety million dollar project, which ever it might be but we do anticipate that we would be producing somewhere in the range of 10-12 million dollars' worth of assessment.

Perception, it is there. I have done it for forty years. I have done it in this county for forty years and the people are going to be very, very iffy. As a realtor you would think I would be happy about, probably, having a whole bunch of homes to sell if this does go through because there is a whole bunch of homes behind me that will be available and maybe possibly we can get Prime Foods to buy a couple of these half million dollar houses instead of building houses for their workers because they probably will be available also. The reality of it is they are going to lose on their property when they sell it because it is going to be very difficult for them to do with what is being proposed across the street. I can tell you that I have heard about all the big buffers of all these trees. I don't know about your yard but my yard is already filling up with leaves and at least 8 months out of the year we have leaves but about four months out of the year we have sticks waiting on the leaves to come back to filter out all of the pollution. I won't get into that, Tony has covered that very well. I thank you for your time and I must admit this is the longest twenty minutes I ever set for a hearing.

Anthony Long: Lastly on this issue we submit exhibit 19 (R-19); Examples of Properties Devalued by Factory Farms; Studies & Reports. I submit that to you without further comment for your ability to look at it at your convenience and your desire. I would tell you that the cases are legend around the United States where local assessments have been reduced by the impacts of these proceedings, these type of activities, that...there are some cases in Indiana that have refused the accessing authorities with regard to assessed valuation of property valuations and appeals and these are real case. These are court of appeals and decisions in Indiana. These are, and Morrie is your legal advisor in these matters, but I can tell you these things exist; they are recognized as have a deleterious effect on property values, on assessed valuation from CAFOs. They are not unique to Indiana; they are all over the United States.

One of the witnesses testified that they have to have 180 day storage capacity for manure. Now our experts have opined that is somewhere around 450,000 pounds a day. They have to have facilities to handle, if my math is right, my \$5 Casio calculator tells me that is 81,000,000 pounds of manure they have to be able to store on site. 81,000,000 pounds. That's a big deal. They say they want registered...they need farms...4-6 thousand acres...here is my note. Mortality management building. Find that on their plan. It is not there, at least the one I got.

We are concerned that the data in Indiana, particularly out of Purdue at this point in time is not up to date. I am submitting to you exhibit 20 (R-20). This is an exhibit, a letter to Dr. Jay Akridge, Dean of Agriculture, Purdue University from Stephen Obermeier, he is a local environmental advocate, and he simply told them their old data needs to be updated and it has not been.

Exhibit 21, (R-21) which Sheena is passing out to you is an Associated Press article from November, 2010. This came up earlier that Ohio manure is coming to Indiana. The Hoosier Environmental Council went the legislative panel asking for tougher regulations to protect our waterways that are vulnerable from farm runoff. According to the problem...adding to the

problem, the State has no authority to stop or regulate manure imports and a gentleman with the Indiana Department of Environmental Management, Assistant Commissioner of Land Quality, said that *Indiana's regulations only cover manure produced by in-state livestock farms*. *"It's only been over the last couple of years where it's come to our attention that we need to address that. It's like many things-until it happens you don't really think about it."* The representative of the Ohio Department of Natural Resources says yeah this is happening and the *14 permitted livestock farms – all but one of them poultry farms with than 2.8 million animals and they are generally above to absorb the costs of shipping some of their manure to customers*. They get public subsidies for shipping their manure to Indiana. Remember when we got the trash out of New Jersey? That was a big deal for most people. I don't suspect the Farm Bureau was weighing in on that. From Ohio they said, and the reason they are doing, which I thought was sort of prophetic, *we don't want to get into a situation where we're allowing a watershed to get horribly degraded like this and them paying millions of dollars of taxpayer money to remediate this every few years*. They are concerned that if they continue to deposit on their ground they get to clean it up; pass it over to Indiana and let them deal with it.

Traffic, we think the chickens are going to eat about 3,000 pounds of food a week; 25 tons – that is 8.5 loads a day – 320... 3120 loads a year. That doesn't account for the hundreds of thousands of layer chicks which we believe will average on their five months to maturity about .15 pounds per day; obviously higher toward the end of the cycle. They don't tell us anything about the volume of manure. We think based on our projects and the evidence we have presented to you that between 207 – 230 pounds of chicken manure will be produced a day. The project will produce about 20,000 dead chickens each month. That considering all this at 25 tons, which we think is high, chicken manure – they say it is dry so it probably won't weigh that much – but at 25 tons that is 9 loads of manure each day and dead chickens and we think that the number of trucks – 6500 plus a year will be certainly an impact that will be felt. Also if they are going to produce this stuff all over Warrick County then the county roads will have to deal with that; of course we have a Board of Commissioners that will have to deal with it at that time. When the chickens are cycled out they are also trucked away and that would create traffic.

We have problems in Indiana today and Warrick County particularly with impaired waterways. Exhibit 22 (R-22) is a letter from the Indiana Department of Environmental Management dated April 1, 2016 to the, and I quote, *Indiana Integrated Water Monitoring and Assessment Report to the US EPA*, end of quote for 2016. We have redacted the report from all of the impaired waterways to reflect those pages that only contained waterways that are impaired here, keeping in mind Little Pigeon Creek is a number of sections, the Ohio River tributaries; Little Pigeon Creek is a part of the drainage system of the Otter Creek that is on this property. It has a number of problems, E.coli being one of them. Biotic communities, E.coli, dissolved oxygen, E.coli: a number of impairments to our water that exists in 2016 that will be further put at risk.

Let's talk about jobs and workers. Keep in mind that I didn't bring up the alien issue. I have heard that quite a bit tonight. I think Mr. Wischer broke that ground for us. They say they are

going to have 100 people – they say they have 100 people in the existing facility, we dispute that. We don't think Prime Foods Holding has any employees. Prime Foods Inc., the Incredible Egg People owns the present site on American Way and it is Prime Foods Inc. who seeks application for employment at that facility. It also says it is fully expected these new jobs will be filled by Warrick County residents. What are the type of jobs they will be creating? What qualifications will these employees need to possess? What will the positions pay? Some people don't seem to mind - we talk about corporate welfare – Walmart always gets the burden of this; they pay their wages so low; eight, nine, ten dollars an hour; that their employees qualify for public assistance. So the taxpayers, us, we pay and subsidize them so that they can work at Walmart. No one has said today - \$80,000 to the guy who lives in the house I guess. They didn't give us any information. We didn't get any tonight other than Don Lee said a guy he knows they paid him \$8.00 an hour. Let's assume these jobs will be considered to be in the agriculture arena. According to the 2015 Occupational and Employment Statistics, this is Indiana's Employment and Wages-Agriculture, forestry, Fishing and Hunting; the entry level hourly wage for graders and sorters, agricultural products is \$8.49 an hour. Exhibit 23 (R-23) that Sheena is handing out to you reflects, and you need to go to page two, and the category is 45-2041. The estimated employment is 40 of them at \$8.49 an hour. We don't ...we've not heard anything from them to say to the contrary to that. They should know. Wouldn't you think they would know how much they pay an hour? One thing I'd say suggests to you, the reason they don't know what they pay an hour to people working in chicken houses – Mr. Kramer doesn't have any employees in chicken houses. These are all in Ohio and Georgia and Northern Indiana, I read in the paper; they are contract farmers. Contractors hire the wages and they pay them; but he doesn't know. What do they pay out there? I don't know. They should in their business plan; they should have some idea of what their labor costs are going to be. If they are that responsible and that good of business people they should know these things. Or somebody maybe could just ask. But let's not take Indiana as the only answer. The United States Bureau of Labor Statistics, exhibit 24 (R-24) that Sheena is handing out, Occupational Outlook Handbook is where I found this on the internet. The 2015 median pay for all agricultural workers nationally is \$9.66 per hour. That includes all of them; tractor drivers, equipment operators, skilled – whatever they do, I have marked this as 24 and we offer it into evidence.

One of the things that we do in our business anyway is we have people that work for us on the outside and go around uncover evidence, question witnesses – investigators is what they are generally called. We have used – the one that we use has worked with us for going on to thirty years and on his own, on his own, he went into the offices of Prime Foods Inc., not a party of this, but he went in on his own initiative and he secured a copy of an employment application from the stack that was on the counter. One stack of employment applications that was on the counter, and I mark that employment application as exhibit 25 (R-25) and for the record it is entitled Aplicación de Empleo. For those of you that don't speak Spanish it means Application for Employment. Now somebody has used the word, not us, about migrant workers. Migrant workers are people that follow the crops. These are people, employees that come here, according

to Mr. Kramer, of their evidence; they just can't get people in Warrick County to want to work here for these wages. I don't know; 25 and my Spanish is not good enough to do it. So, 26 (R-26), my friend told the lady at the desk, "I'm sorry, I don't speak Spanish." They searched and searched and couldn't find one in English, so she sat down and printed one off her computer and gave it to him and that is exhibit 26 (R-26).

Now, let's make it clear, we are not here to disparage or denigrate people of Hispanic heritage in any form or fashion. Our law office has and will continue to represent Hispanics whether they are lawfully here or not. If our country chooses to deport these people, that is the country's right to do, and they should do it, but if they are going to set back and allow these folks to be here then as fellow humans and God's children, I intend to see to the best of my ability, as do the people in our office, these people are treated civilly and humanly. Our representation of Hispanics and we have done a number of them; used to they were charged with never having had a driver's license until Adam dug out a treaty between the United States and Mexico that said if you had a Mexican license it was valid here and so we filed that and that was the end of those. They quit – that was just what they did and I don't, I'm not denigrating the police over this, it is frustrating when you have people over here unlawfully and the government doesn't do anything about it. We have represented people who worked for Prime Foods Inc. also and I can tell you that not all of their employees are here legally, at least they have not always been in the past and that happens. The Mexican restaurants here in town, Hispanic, Mexican restaurants – we have represented a number of their employees and one we got to be friends with but he isn't here anymore because he got sent back and can't come back. He wasn't here lawfully.

Now, our government has a plan and it is not legal to hire people who aren't lawfully here and they have a whole big system to help you comply with the law. It's called the E-Verify Employers Search Tool. We did a search for the United States Citizenship and Immigration Service to determine, if you want to participate you have to sign up; companies sign up, they get online they can check people out and see if they are here legally. We did this search, I think Sheena did it, she is a lot better at the computer than I am, she did it twice and to be sure we were accurate and exhibit 27 (R-27) is those searches. She finally put it in as a generalized search for anybody that has the name Prime Food in it. Now, that will catch Prime Foods, Prime Foods LLC, Prime Foods Holdings, Prime Foods whatever it is and she got three hits. Prime Food Distributor Inc, Port Washington, NY. We didn't think that was them. Prime Foods Inc. That sounds better – Anthem, AZ. Prime Foods LLC, now that's a new name; Prime Foods LLC. We have Prime Foods Inc. the Good Egg People; we have Prime Foods Holding now we have Prime Foods LLC but it is in Boonville and we assumed that was them and are they an employer agent with E-Verify? Nope. They are not; at least the government doesn't think they are. I think that is significant.

Our investigator also, we try to run things down to be accurate. Someone told us that they were, Prime Foods Incorporated was bussing their employees in like Ameriqua did. So we asked, and I asked our investigator to just go out and look, don't get on their property but just sit over there

and watch and we couldn't find any evidence they were doing that so I will report that to you. If I tell you, I have something to support it. Most of the people arrived, one or two people at a time. They take a lot of smoke breaks but they don't smoke on the property. We assume they have a rule they can't smoke on their property. They go on the adjoining property to smoke. It looks like they have about twenty people a shift and most interestingly there were cars there from Warrick County but there were also cars there from Kentucky and Vanderburgh County and there four places, Spencer maybe but I don't remember, so they may try to hire Warrick County people, they may try to leave you with the impression that – to sell this as a – this is good for the jobs – but these are welfare level jobs folks. That is what they are creating except for maybe their high bosses and they are not skilled, they are employees that the average wage –in the United States, not here – is \$9.66 an hour. In Indiana it is \$8.00 and some change. I can understand what their position would be on raising the minimum wage because that would be a real problem I suspect for them.

There is a document created by the National Associations of Local Boards of Health and it is exhibit 28 (R-28). It is entitled "Understanding Concentrated Animal Feeding Operations and Their Impact on Communities." It was written by Carrie Hribar, she was the project coordinator and it was edited by Mark Schultz of the association. It is an authoritative work that was encouraged by the Environmental Health Services Branch of the Centers for Disease Control which provided technical and financial support, exhibit 28 (R-28). This is a pretty informative document and please, I won't read from it if you will promise that you will. It tells you...

Sherri Rector: I promise.

Anthony Long: I haven't been in court to a quarter after one since we tried some jury trial several years ago. I remember one time a jury came in at five till twelve and they said if we stay out till after midnight we get paid an extra day and yep, okay, back in and five minutes after twelve they came out and we had a verdict. But I don't think that will play here tonight.

There are some really significant things. This comes out – approved and sanctioned by the CDC – the National Boards of Health – it tells you about the health problems that go there.

This is kind of an interesting process, exhibit 29 (R-29) is a Commercial Egg Production and Processing it really, what they are doing here is vertically integrated their business. They are taking them from - they are buying chicks and raising them until they ship them off to the dog food manufacturers. Our investigation led me to believe that this was they quit producing at about 20 months. One of the things I had a hard time finding was when they started laying eggs. It has been so long. The only thing I remember about growing up and our venture into the chicken business was I got, as a young lad, the unenviable chore of cleaning the chicken house out every spring and it was like taking an ammonia bath. Apparently chickens start laying eggs, and they control this by the amount of daily light they get, at about five months I believe that is what this thing says. *Producers begin to photo stimulate and manipulate the diet around 18*

weeks of age in order to support egg production. .. That means that 10-20 percent of the hens are laying eggs at 18 to 22 weeks of age. They reach their peak production, which is about 90% plus around 30-32 weeks and they continue to decrease to approximately 50% around 60 to 70 weeks of age. That's about, as they tell us in the industry, about the breakeven point. Then they do a process, and please don't ask me what it is, but they molt them and that takes about 10 weeks from the beginning of a molting to be back up to 50% plus following the molt. They will stay at that in the molt until about 80% then...they do it twice and about 110 to 120 weeks of age they are pretty much shot. They load them up; send them to processing to where they are, I believe, hopefully, humanely euthanized by carbon dioxide gas and ground up and put into cat and dog food primarily that is the one that hauls them out of here. Someone was talking about using these – I always thought they put them in Chicken McNuggets. (laughter) Apparently these chickens don't have hardly any body weight when they leave, they have spent. I don't know but somebody mentioned tonight they were going to be cooking them and I...when I get the transcript I am going to find out what they are using them for and that will be on my do not eat list.

Exhibit 30 (R-30) talks about respiratory hazards of poultry dust. I submit that for your consideration. The Purdue, exhibit 31 (R-31), is the "Purdue Agricultural Air Quality Laboratory Current Research". I offer that. "Field Tests of a Particulate Impaction Curtain on Emissions from a High-Rise Layer Barn", we didn't know if these were high rise or not since they didn't tell us. That is 32 (R-32), it may not be germane so I won't say any more about it. We have a statement from Dr. Stephen Jay marked as exhibit 33 (R-33) and offer it into evidence where he was testifying and it reduced and transcribed. We have exhibit 33 – that's what that is. Jere Beasley produced information with regard to "Industrial Poultry Farming Operations Cause Problems for Residents". I submit that to you as exhibit 34 (R-34). "Impacts of CAFOs on Rural Communities" – exhibit 35 (R-35). That is by Dr. Jeremy Ikerd – John Ikerd, I believe he is from Missouri. I can tell you, I know more about chickens than I ever wanted to know. We have articles, exhibit 36 (R-36) that talk about the antibiotic resistant enterococci and staphylococci isolated from flies collected near confined poultry feeding operations. It is a scientific work that shows that it is an issue. We have exhibit 37 (R-37), I am wearing Sheena out here, go faster, effective house fly dispersal range appears to be, this is exhibit 37 from Veterinary Entomology, ½ to 2 miles but it may travel much more than that. They can transmit more than 100 human and animal diseases and they go into what they are. Again, I am not going...

I offer, because their overall plans call for a "feed mill", exhibit 38 (R-38) is a publication that talks about noise nuisance from stationary farm equipment and one of the things they have in this that I thought was significant – a grain dryer – this chicken feed as I understand it, no one has told you this but me today and I remember that from the days I had family members who are farmers, that folks from Tennessee used to come here and buy corn and it had to be super dry. I am told by my cousins that 15% they don't get docked but it was lower than that in these chicken food haulers that would come up here, load up their trucks and ride down to the Co-op, weigh it

out and count out the cash and away they would go. So, unless the farmers are going to dry it down to these super dry levels, it is going to have to be dried in the mill and the grain dryer fan and burner under full load produces 110 decibels according to exhibit 38. Somewhere in there they tell you where the painful level is and I believe without taking the time to dig it out I believe it was lower than that.

Exhibit 39, (R-39) talks about the “Bloom of resident antibiotic-resistant bacteria in soil following manure fertilization”. This is a part of the problem with Chesapeake Bay. With any water, a bloom comes into marine areas that cause a deprivation of the oxygen content, as I understand it. Exhibit 40 (R-40), this is one, this is food animal transport and I first rejected this but then I recalled they hauled these spent chickens away in trucks. Now I don’t know what – chicken crates or turkey crates is all I have ever seen them hauled by and they haul them down the road and they tested in this instance in exhibit 40, they followed food animals from farm to slaughter house for seven....they followed chickens, poultry trucks, chickens for seventeen miles. They turned off the air conditioners and fans and the windows were fully opened. They went through and after that they tested the air inside the automobiles and decided *food animal transport in open crates introduces a novel route of exposure to harmful microorganisms and may disseminate these pathogens into the general environment*. I wouldn’t have thought about that and I put it in just because of that.

Exhibit 41 (R-41) talks about, this is the Lake Erie “Follow the Manure: Factory Farms and the Lake Erie Algal Crisis” – the algae crisis that exists there. I wanted to – this is a worldwide problem. This is a worldwide problem. I didn’t offer it – it just got so much more beyond this but this is a report entitled “Poultry Production and Environment - A Review” by Gerber, Opio and Steinfeld.” Animal Production and Health Division, Food and Agriculture Organization of the United Nations. I have a paragraph may a paragraph and a half to read. *Poultry facilities are a source of odor and attract flies, rodents and other pests that create local nuisances and carry disease. Odor emissions from poultry farms adversely affect the life of people living in the vicinity. Odor associated with poultry operations comes from fresh and decomposing waste products such as manure, carcasses, feathers and bedding/ litter; On-farm odor is mainly emitted from poultry buildings, and manure and storage facilities. Odor from animal feeding operations is not caused by a single compound, but is rather the result of a large number of contributing compounds including ammonia, volatile organic compounds (VOCs), and hydrogen sulphide. The most common base of the odor is the ammonia. Flies are an additional concern for residents living near poultry facilities. Research conducted by the Ohio Department of Health indicated that residences that were located in close proximity to poultry facilities (within half a mile) had 83 times the average number of flies. In addition to the nuisance they cause, flies and mosquitoes can transmit diseases, such as cholera, dysentery, typhoid, malaria, filaria and dengue fever...rats and similar pests are also a local nuisance associated with poultry production. As with flies and mosquitoes, they can be a vector for disease transmission.*

Pesticides used to control pests (e.g. parasites and disease vectors) and predators have been reported to cause pollution when they enter groundwater and surface water.

Exhibit 42 (R-42) is a form. We talked about the oversight on this and I think that this is really important. There are, if you are going to use organic fertilizer, manure on a field, as a farmer, you need to be licensed. You are licensed by the Office of the Indiana State Chemist that is up at Purdue. I have given you exhibit 42 which is their Organic Fertilizer Distribution Record and the record keeping form. It is blank except, I think significantly, the directions at the top of the page simply stated they said or informed you have to fill these out and keep it in your records for two years. That's it. That's all you have to do and then I guess pitch it out. We know they don't enforce it unless somebody calls and complains. We have been told by Kim Waterbury, who is a friend, that there is a line for the people to get this stuff. Interestingly enough, there is only eight licensed private applicators in Warrick County and in exhibit 43 (R-43) I tender that to you but I have to say, this is online and I reported it Morrie to verify it – Mike Moesner's name is on it and he's – it's an old record – he doesn't consider it and it's not an issue for us and I am saying that to say to you Mike, we put it to rest and that is it but, so that means there is only seven and David Schnur is one of them, who testified and Jeffrey Evan McGuire is another. Jeff you need to know there is no "e" in the middle of Boonville and David ought to tell Bartholomew David Schnur the same. The reality is, exhibit 43, these are all the folks that are available to do this. We couldn't find a class 14 hauler license residing – that is what you have to have to haul manure – in Warrick County. So, Warrick County is getting its manure from someplace else, we know from Dubois County and like Ms. Horn, we went up and talked to an operation, I don't think it was the same one you did but it was in the same neighborhood.

Doris Horn: Lincoln

Anthony Long: I promised I wouldn't use his name because he was friendly with us, he was a nice person and I wouldn't – I want to be honest with you all – it was a much smaller operation than this and they lived on the site; a couple hundred thousand chickens, contract raiser. It didn't smell. I mean it truly didn't. I was impressed with that. Very conscientious folks but the employees are what got me; him and his boy and his son in law, I believe and they hired a couple of part time high school kids and that was all the work that was done with it. That is where I learned about the 20 month roll them out time and they take them and haul them over to Illinois where they will go...that's where I learned this manure – he wouldn't tell me where – but it was coming to Warrick County. I remember asking the local County Extension Office who in Warrick County puts manure on their field and they refused to tell me. They didn't give out that information so I called up the State Chemist and they are more than helpful to let them do it.

Exhibit 44 (R-44) and 45 (R-45) is the Comprehensive Plan. This is a really critical issue, guys, I am going – I apologize, it is late at night but this – they are just dead wrong on their interpretation of this. We are putting the plan into evidence and we are putting the map into evidence. We agree with the map that they flagged up. The applicant alleged that its amended

application that its potential development of the subject property as requested is in harmony with the Warrick County Comprehensive Plan of 1993, here and after, the plan. Now I, as I stand up here and present this to you, I want to tell you my son Adam, originated this and I am very proud of the work that he did on it. According to the development objective statement in the plan concerning residential developments, Roman 1-1 to 1-3, the application overlooks the residential goals of the plan, specifically with respect to residential goal #1, the plan is to encourage the continued development of Warrick County as a desirable place to settle and raise a family. Approval of the application could negatively impact, conservatively speaking, up to 78 square miles of Warrick County real estate assuming that negative impacts of the facility proposed in the application as well as the identified future development aspects of said application. The effects and areas much as twelve miles from the proposed area is opined by Dr. Kilpatrick based on the flooding experience in Mississippi and from 3-5 miles opined by our local expert, Chris Dickson of ERA First Advantage Realty. The evidence coming in before you establishes that there are portions of the site in the 100 year flood plain; therefore, based on the recent experience of flooding, it is a real possibility and that Warrick County is 391 square miles and approval of this application could sterilize a vast portion of Warrick County from residential development. Seventy-eight square miles represents almost 20% of the county's surface area. Residential goal #3 is to encourage the residential growth of areas outside of existing densely developed growth areas. Property owners in the immediate vicinity of the proposed facility, acting in conformance and furtherance of these plan goals have existing but undeveloped subdivision plats as well as anticipated areas identified by individual property owners which would be developed on a residential trajectory in the near future. As the southwestern portion of the county becomes overdeveloped from the residential prospective the original next step would be for property owners to plan for development outside said areas. With a substantial portion of undeveloped real estate in the county under ownership of the mining industry and with the pressures on the mining industry to liquidate all of their real estate holdings, approval of this application could stifle potential residential/recreational development in other rural areas under fear that subsequent industrial scale agricultural operations would be permitted under Special Use Variances applied to adjacent parcels. This pressing issue calls for the pre-emptive corrections to the plan by identifying the portion of the county, outside of the existing industrial park, which is suited for potential nuisance operations. At present no such plans exist for nuisance operations and due to the number of potentially cast strophic issues raised herein, approval at this stage is premature. In regard to industrial goals of the plan, the application contemplates the need for future rezoning of subject property to "M-2" General Industrial under Industrial Goal #1 of the plan. It is page 4 of section 1; it contemplates the use of industrial parks for expansion of existing industries. Prime Foods Inc. undisputedly operates in an existing industrial park within the Warrick County Industrial Park west of Boonville, in Boonville now by the annexation. As mentioned earlier, as a side, it may have some bearing on moving their operations out there based on property tax rates. And thus, let's see, as mentioned earlier, industrial parks serve as an identified area which may contain potential nuisance operations and thus serve as a known

hazard for development of residential areas at their borders. Locating of this facility in or close to an established industrial park is prudent for numerous reasons; included that the area is already set aside for industrial uses, people locating their homes near these sites are aware of the uses there and the potential for other uses that may not desire to locate near; location and areas set aside for residential and other uses will certainly stifle those uses. Not wanting to invest in property and improvements not in harmony with their plans, I am sure there are many more but those are the ones that come to mind.

Industrial Goal #4, page 5 part 1 is to develop and implement strategies for attracting new business and environmentally sensitive industry to Warrick County. Throughout this document numerous environmental issues have been raised which were identified, studied and reported by scientists, doctors and other professionals and the same – I am not going to re-state it again. Clear that the application stated objectives are not in conformity with nor do they further this goal of the plan. In light of the growth of industrial scale agro businesses over the past two decades, and the lack of reference in the plan to industrial scale agro business, it cannot be stated the application furthers the agriculture goals of the plan. Furthermore, in addition to the lack of reference to industrial scale agro business, the plan's land use policy also contemplates a county wide population of 52,915 residents by the year 2015. That is in the plan. According to the United States Census Bureau, the population of Warrick County is listed as 61,897; 17% higher. That is from the Census.

According the plan's use policy statement in regard to commercial and industrial policy, the character of nearby land should be predominantly commercial or industrial and where located near residential developments, a buffer of open space or wooded area separating the developments is recommended. The subject area identified in the application is clearly residential, it is surrounded by residential properties on three sides and unfortunately at present no regulations exist which provides buffers or setbacks for this type of development. Furthermore, the plan indicates it is recommended that large scale industrial and commercial developments not be located on reclaimed surface mined property, unless precautions are met, including development land near which is already commercial or industrial, access to sewer and water, generally accessible to high populated areas and be located with high visibility and convenient yet safe access to roadways with relatively high traffic volume. The bulk of the pre-conditions are not met and the final pre-condition regarding access is met in addition to the foregoing, the plan recommends that industrial areas should be developed as industrial park with all the infrastructure and amenities required by modern industrial establishments. This area is not an industrial park. It does not have any of the amenities offered by our existing and largely vacant industrial park and it is proposed to be located on re-claimed surface mined property. All factors are against the recommendation of the plan.

We offer exhibit 46 (R-46) which is a map provided by the Indiana Department of Natural Resources detailing, and I think you may have seen this earlier, the strip mined portion of the subject property in addition, no reporting has been provided which indicates if existing

water/sewer service can be extended in relation to the current state or whether the existing system can handle the proposed water and sewer needs for the proposed facility. I am going to tell you, they may talk about sewer and they may talk about water – I had lunch with the Mayor of Boonville a week ago yesterday, I was going to say a week ago today but that was before midnight. We have had a couple of conversations about this. The first one I had was down at Newburgh and I said were you aware that the application said they were going to relocate their facilities out to the proposed site? No, they told us they were going to expand it there in Boonville. I said well I'll send you the application. I then had lunch with him and asked if he got it and he said yes and they went to talk to them. I said, Charlie, we grew up together, have they made any plans to run the water out there. No. They have talked to us but nobody has got any proposal to do it. The water demands are not adequate for what is out there at the present time; they are going to have to run lines to get there. I said what about sewer. They have not mentioned a word to us about sewer. So I don't know how much planning or what they are going to do; the Mayor of the city we are in has no idea that they have plans of any kind to bring sewer into the property nor have they made any approach as to bringing the water up to speed to bring capacity out there. One of my clients told me that a local county official, a Councilman Hachmeister said they were going to recycle the water off the site and weren't going to run water out there. I don't know if that is true or not, I don't know how he would know that but that is the situation that exists there.

You know that 46 (R-46) has been handed out, that is where the mines have been and 47 (R-47) I am told, and we have the big maps; we have the full FEMA map covering this area. It is my understanding Sherri that you provided them with smaller versions so everybody has that so we are not going to offer the big ones. We have given you 47 (R-47) which is a panel from FEMA's map. Exhibit 48 (R-48) is the wetland areas that exist relative to the property. Exhibit 49 (R-49) is a topo map of Little Pigeon Creek and the second page is the area that serves all of Warrick County; all of the recognized drains from the Warrick County Drainage Map. This, Otter Creek, it says Little Creek but I – its Otter Creek that runs through the property that ties into Little Pigeon Creek and ties into the Ohio River. This is what the, remember Little Pigeon is already an impaired waterway.

According to the plans we sought policy regarding conservation and open space. The county encourages and supports the development of hunting and fishing lodges promoting reserved hunting and fishing trips as a part of regional economic development efforts. Significant tracts of land on reclaimed strip mines and in the northeast portion of the county particularly lend themselves to this type of industry and recreational opportunity. The application presents a direct conflict, not only to the supporting language the county has set forth in its plan but also the exact area the county identified. In addition to this conflict the plan also highlights the importance of Little Pigeon Creek, wetland conservation areas and notable agricultural areas identified by the Indiana Department of Natural Resources as a part of the nature reserves; an area directly downstream, which is from the proposed facility. The plan identifies a goal to provide a wide

range of recreational opportunity and proximity to many residents as possible by implementing policies as conservation, preserving environmental sensitive areas, unique natural features and other unsuitable development including flood plains, wetlands and open spaces. Based on the reporting, this area is completely....from Mr. Mundell, is an environmentally sensitive area. It is a top unconsolidated sub straight parcel within a flood plain and highly susceptible to communication of hazardous substance into the subterranean water system and therefore, unsuitable for this type of development. It can be considered as possessing unique natural features and it is reclaimed land on natural pathways being taken back to its natural state and any improvement located thereon would destroy nature's progress in reclaiming the property.

We offer to you exhibit 50 (R-50) which is, I have taken the application and in 50 this is a spreadsheet and you have to go back to the original application. The spreadsheet is the first document. The second page is a plat that came from the original application that has the parcel; they describe their properties by "A", "B", "C" and all that stuff. The only thing that identifies them that I can find is these, this plat which was part of the original application. If it survived in the new one, I didn't – it's not in my copy but I don't care to go back to look at it. It has the proposed plan that is here and the significance of the plan; if you look closely you can see very lightly the dividing lines for the parcels and the legal descriptions that are attached. Now, what's the significance of that? Parcels "A" & "B" they list as 80.5 acres that is where the feed mill is going to set. I am not for sure that perhaps part of that was the area that - no, that's – it's part of that north of that entrance road and they are only dealing with I think "A" & "B" as south of the – "A" – south of the entrance road; "B" as it is but that is the feed mill. It's not a part of this; "C" & "D" is 4.6 acres up there on the road, "E" is 1 acre, "F" is 12.36 acres, "G" is 70 acres, "H" I believe it is "H" is 60 acres, "I" is 4 acres, "J" is 36 acres, "K" is 36 acres, "L" is 80 acres, "M" is 60 acres, "N" is 40 acres, "O" is 20 acres, "P" is 80 acres and "Q" which is not in – that is the new tract – that is the Wasson Family Trust tract is 79 acres. Now if you look at their site plan development; superimpose that onto the "A" – "B" etc. parcels, the only thing that I can see as CAFO here is "L" which is – would be the part where the pullet house would set and that is 80 acres. We have that in that column to the right. Then we have "P" which is the one up at the top, that is the one that Prime Foods Holding owns, 80 acres and that is where the laying houses are proposed and then "Q" is 79 acres but they have just barely, if at all impacted onto that property and I equated a very small part and put 5 acres down. The question that I submit to you; they have told you what their plan is; they have not included anything about the egg processing plant – that is an "M-2" use. They have told you everything about their CAFO. This is it. This is all the phase 1, 2, and 3 and this is all there is going to be. Why do they need to have subject to a Special Use application 663.46 acres in a CAFO when they only need 165 acres? Why is that? That is a real question in my mind. Is there something going on here that we don't know about? It appears to show the present development and the future development. I told you about the "M-2" on the feed mill; we don't have any knowledge about – they are going to have to rezone to put their processing plant and we will be talking about egg washes and the distribution of the lye's that go into the cleaning – not untruth but the lye material that goes into the cleaning of eggs.

That is not an issue out here. Is it possible that they have something in mind that has not been brought to the light of day? I don't see any basis to grant this.

Now let's talk about economic impact and the taxes involved. I want to put a face on this so you can see. I am going to tender you exhibit 51 (R-51) which is a spread sheet with our clients and we are going to put up on the screens and I am going to ask my clients that have held through to this late hour of the day to stand up when I call your names and stay standing until we are done and if I mispronounce some of your names, forgive me.

Josh & Megan Cobb, they own 85 acres and they paid taxes last year of \$5,434.43; Dirk & Melinda Ensley own 123.7 acres and paid – these are all public record, so I am not disclosing anything - \$5,712.84; Ronnie & Elizabeth Ashley, I have seen them here tonight. They own 36.81 acres and they paid \$3,543.22 in taxes; Steven Orth owns 14.64 acres, \$1,806.72; Amanda Cundiff Oller: 50.08 acres, \$6,805.21; John & Cathy Collins: 10.31 acres, they have a pretty fence, \$1,450.52; Jacob Schmitt: 45.55 acres, \$947.62; Bruce & Jennifer Mottley: 40 acres, \$2,143.80; Schmitt Farms: 294.58 acres, \$3,635.82; Heron Lake Estates: 159.74 acres, \$3,329.22; Geoffrey & Rhonda North: 2.81 acres, \$883.38; Brian & Jennifer Erwin: 2.62 acres, \$1,566.68; Long & Mathies Law Firm: 235 acres, \$3,162.21; Russell Allen Noe: 20.38 acres, \$12,802.38; Lone Tree Farms (Ranch) LLC, property Mr. Noe and his family: 1168.83 acres, \$22,781.81; Michael Bayer: 10 acres, \$2,300.28; Stephen & Cathryn Eichle, 5 acres, \$1,795.86; Ronald J. Lindsey & Shannon S. Payton: 5 acres, \$2,231.60; Samuel A. & Rita A. Long: 19.67 acres, \$3,239.70; Charles & Sherry Britt: 6.39 acres, \$2,825.92; Tony Lee & Katrina Parrish: 5 acres, \$3,813.94; Randall Wire: 2.5 acres, \$1,845.76; Daniel Kiegel: 2.5 acres, \$1,737.14; Robin Likens: 2.5 acres, \$1,795.62; Richard & Betty Dillingham: 2.5 acres, \$2,133.82, I went to school with Rick and if he holds on he will probably be burying me before long. Melvin O. Greer: 8.58 acres, \$187.84; Charles S. Britt, we don't have pictures of this one. You have seen pictures of the other ones. We are not sure of the acreage but it is \$792.40. Janet Trice: 11.38 acres, \$3,983.86; Kristi Humphrey: 12.09 acres, \$5,896.86; Nathan Trice: 4.9 acres, \$5,227.61; Melvin C. Greer: 8.58 acres, \$11,738.71; Shawn & Sara Burns: 5 acres, \$2,447.96 and Don Lee: 11.93 acres, \$2,155.20 for a total of 2,490 acres represented here by these particular individuals paying in 2015 \$133,351.62. Those folks, for any increased assessed valuation that is argued by the applicant here, I would submit to you that it is going to be severely diminished by the reduction that these folks, I think as a matter of law, are entitled to. I would say to you, a couple of things in response, it was said there was a lot of time and effort and energy that went into picking this site. If called upon to testify, Josh Cobb would tell that Ron Bennett told him the reason they picked it was because the land was cheaper than it would be any place else. It was published in the paper on the property they purchased, they paid \$2,100 an acre for that and that is pretty cheap for development land today.

I would tell you that we believe that Mr. Hudgens came here today from his years of experience. We think he is formally, and this is the down side to the internet, I didn't do this so I am reporting what I have been told by one of my staff, partner actually, Mr. Hudgens was formally

associated as a regional manager for Moark Productions, Inc. a CAFO down in Neosho, Missouri. I picked this up out of a Joplin, MO newspaper; Warren tells me the picture of Mr. Hudgens looks to be the same person. In 2005, Moark was charged criminally due to their improper disposal of chickens. In 2007, Moark received complaints for composting, 38 in August alone, composting manure at seven farms is a primary issue because of the source of most of the odor pollution. Mr. Hudgens was the regional manager for Moark at the time and because he did not address the issue of the odor the Department of Natural Resources of Missouri had to intervene. I am sure the counsel for the applicant and the applicant were probably not aware of that but I think the expert they brought here to outline all of the good things that they were going to do and planned to do has not always borne true for his activities. On behalf of my clients I want to thank you all. This has been a herculean effort. I have tried to approach this not as a – my glasses are good to about here and then I get – I have tried to approach this in a professional position; we have not tried to attack anybody as far as their motivations here. We believe the evidence we garnered is solid and the one thing I would point out, the ammonia, and this is just a little side at the end, we do a lot of criminal work and I see all of these folks around here in brown (deputies) most of the methamphetamine arrests they make – these guys can sniff out ammonia from ½ mile away and if this thing goes in I am going to have them driving around this property because they are better than any odor detector. They can smell ammonia, which is a product to methamphetamine with. I want to thank them for being here tonight. They have been good. They kept me in line. I was going to raise a lot of Hell but I saw they would haul me out to the jail. This is a big deal folks and it calls for an objective, reasoned opinion. Under the statute, the statute is horribly written, if this were a pure Variance and I can't tell the difference between a Variance and a Special Use under the code. If you found any devaluation of the property, you can't approve it, period, end of story, end of game. I think that should apply and if this were an Advisory Board and you pass it on to the Legislative Body, they are bound by the same standard but is it applicable to you, I think it is or should be. I think the one biggest thing is you cannot overlook the credible evidence as to the impact of this. The Court of Appeals decisions in Indiana and states around the country that have found as a matter of law these facilities devalue real estate. Period. End of Game. Reverse trial court –go back and refigure it. That is the case law of Indiana. It is the case law in many places. That is a fact and I don't care what kind of lipstick they put on that pig, that is still a pig and these folks, my clients, most people, the largest investment they have their entire lives is their home. It is just their home, and if they are emotional about it, I understand. I would – I am emotional, I am not as close as some of these people. My heart bleeds for Megan and Josh Cobb. They found this place, it is off the grid, off the grid. Doug Gresham built it. It is solar power with supplements by LP gas generators. They produce their own water out of a lake and they treat it and use it. This is what they have looked for their entire lives to live like this. It is my understanding; Josh can confirm or deny if he wishes, that Prime Foods said well we will run water out there for you. I don't know where they are going to run it from. Where are they going to run it from? They don't have any water. They have 360,000 gallons of storage, what are they going to fill that

with; a two inch water line? I have been representing utilities for a long time and a two inch water line isn't going to fill 300,000 gallon stand pipe or tank. You will have lots of nights of running. This is not a good site for this. This is detrimental. We are not telling you that no place in Warrick County would work, I think there are, but I am not dealing with them, I am dealing with this one. This is certain devastation to my clients and I truly appreciate your attention to it. Thank you.

Jeff Valiant: Does the Board have any questions for Attorney Long.

Mike Winge: I have some questions for some of the people.

Anthony Long: Not the technical stuff.

Mike Winge: Mr. Mundell you made several statements and I have a couple of questions for you and some for Prime Foods so I have an understanding on where you guys are at. You were talking about the water table, concrete cracking, and water getting into the ground. The building codes and I am very familiar with them has strict building requirements for spoil ground and with what they are doing, I think the question I am going to get to them in a couple of minutes is the construction site with what they are doing and they are inspected and that is pretty carefully watched. So as far as leakage and stuff there getting in, I think we are getting an opinion from you from that I am assuming because you made several statements about Purdue and Mr. Long made several statements about Purdue. Yours was, you were negative towards them because of their reports and his was positive towards them so I am having a little – sometimes you referred to them as good and other times as bad and I am assuming you got your schooling from there. So, the reports they are putting out if I heard you right you were saying they were outdated and they were wrong and that type of stuff. So I am trying to clear the air and their turn is coming too.

John Mundell: Let's take the first one about just differential settlements. A lot of times the spoil piles can have soft spots, can have voids in them depending on how the stuff is so depending on how they prepared the ultimate foundations, you can have differential settlements.

Mike Winge: I am very familiar with that.

John Mundell: So that is just a kind of factor. The Purdue air model that I was talking about and again I just saw this tonight so I you know I was just giving you my first impression but it – that model – I think it has been a few years old – I was talking about how it was important to get real data versus just getting model data. The Purdue – one can look at a Purdue model and say that must be good because it is Purdue but it's – I looked at their references –like what published information was set in there and they only had three references and they were all about twenty years old so it doesn't look like - I'm not familiar with that model being in wide use compared to other models so I just was saying – just be careful – it may be a good model but it – just because it has the name Purdue on it doesn't mean it is applicable to this situation.

Mike Winge: What I am looking for tonight is – before we are done is actual fact that I can sit down and look at so my experience as a building commissioner over the years, and I sat on State Building Code and I was considered an expert witness when it came to troubleshooting when it comes to foundations and water problems and whatever, and quite successful at it. So I guess my question is going to be, when we are dealing with this and you give this information how come, with all these different locations of these that were shown on this map that we didn't get any research on how many of them have failed. I mean have you taken the time to check any of these locations to see there is failure or leakage or any of those type things?

John Mundell: I was contacted about a week and a half ago so, no I was just pointing – that map – I didn't – that wasn't the purpose of that map. If you got the impression that it was a failed map that is a map of Indiana and I was saying there was a lot of facilities; fewer in the southwest. I know that – I was just saying there are geologic things in that corner of the state that you have to be aware of. Not - that I didn't say that was the reason but I was just saying you have karst areas that you can't site over. Many times these facilities, they eliminate that – we don't have karst here but we, I'm just saying be cautious about siting these kinds of large facilities over reclaimed ...

Mike Winge: Well, the reason I am asking this question is because a huge portion of Indiana has been mined and we have things going on all over. My, seriously where I am looking at this to get in my mind – locations – you guys have got locations pinpointed all over that map of these sites.

John Mundell: That's not mine that is a published map. I can find the reference for that if you would like, it is just simply where all the facilities are located.

Mike Winge: I am with you on the published, all right, but what I am saying is did anybody take the time to see if any of these have failed because there are strict rules when it comes to building and as far as the foundations and they are engineered and when you get into that type soil it is an engineered structure.

John Mundell: I can tell you, personal experience and I have to go look in my own records but I know of two that have failed; the concrete has failed because of differential settlement and poor construction practices of putting in the foundations. I can find them in my files that are from the early 2000's and it was after the new rules that I told you about were put in place and what happened was the design was good but they were improperly constructed so it is not only the soil conditions that can cause a differential settlement or the cracking, you can have poor construction if it is not properly overseen. That can result in cracking as well.

Mike Winge: That was my other point that I was going to get to. Some of the counties don't even have building inspectors so that could be an issue, but we do. So I am just curious about that one point. I think I had, you got on air quality and you cited Purdue and I think Mr. Long had cited it on the air quality – they used part of their statistics on air quality and other parts you

didn't so I am getting some conflicting when it comes to Purdue. It was on one part of it and I'll have to go back and re-read cause we didn't get to ask the questions as we was going along so I have to listen to all this and then try to put it back together.

John Mundell: Ok, I can't remember what you brought up about Purdue either. Maybe you could ask him. I only talked about Purdue as far as having a Master's Degree from there in geotechnical engineering that I got and the model.

Mike Winge: Here's where I wrestling with, I am going to try to get as best I can. We have all these different degrees and all these different things and all these different regulations that we are running into and that seems to be what everybody is talking about here tonight and the actual people who have done it for 50 or 100 years handed down from generation to generation I am seeing a lot of this stuff that goes on and you never have all these people with all these serious diseases and all this other kind of stuff that we are talking about but we keep getting all these studies and in the past, with me dealing with litigation, I seen you can put studies in a lot of different directions. For example, the item number 5 (R-5) I think it is, I have been glancing through this thing and if my understanding was right from the opposing side, this is - almost everywhere I turn in this thing and open it up in this huge document, it doesn't say anything about contained in building, all this stacked outside under rain which they said would be a problem so to me all this is not even comparing apples to apples. This part; I haven't even had a chance to get to the other part so...

John Mundell: Are you talking about the CAFO rules for Indiana. Is that what you are talking about?

Mike Winge: No, I am talking about number 5 when it comes to all of the different complaints, the 73 complaints with what I think was Baileys...

Morrie Doll: He did not testify to that. That was Mr. Long.

Anthony Long: What is under the jurisdiction of the Office of the State Chemist, they don't have anything to do with the onsite oversight. Virtually all of their records – the Indiana State Chemist deals with the application, licensing of haulers and the users and then when the manure comes out by the hauler to the end user, that is in their jurisdiction. So that is what that tells you about the situation is they don't enforce it unless there is a complaint and the biggest – this is odors were the most of them – this manure is coming out on the property and it is being improperly applied or used or improperly stored and people complain about it.

Mike Winge: Well I guess my question to you is then how would this pertain to Prime Foods when they are not putting it on the site.

Anthony Long: I heard them say that would be part of their – they would do that. I heard them say that in their presentation now unless they have changed their mind. That has something –

that was part of the manure stream that is coming out of them that we are going to have to contend with in Warrick County.

Mike Winge: See because, I mean that is not even pertaining to the actual – what they are looking at in that regards is where I am at with it. So, and I will ask them as a matter of fact I would like for Prime Foods to respond to that.

Jeff Valiant: Hey, we will give them equal time so we need to get through this side and then...

Mike Winge: Write that down, I want a response to that. Oh, I know the other one was we had almost all of this or a huge portion of this report is with liquid fertilizer and I believe there are not dealing with the liquid side of it. Maybe I am wrong with that and I will have to ask and get that clarified on the rebuttals on that.

Anthony Long: There are ways to do it - liquid and solid.

Mike Winge: I think I heard solid is what they are working with.

Anthony Long: So you understand, Mike, when we came in here we didn't even know anything about the manure. We had to come in – we were dealing in the blind. If we had gotten that ahead of time then we wouldn't have liquid manure issue that could have all been pared out. That is why I filed the motion – let us see what they have before we come into presentation. We didn't get it so you got what you got.

Mike Winge: I got you. I appreciate that.

Jeff Willis: I have a question for Mr. Mundell. You talked about the 2 million chickens and how much pollution it would put off. I am thinking about the air quality issues. At one point they said they were probably planning on a million but they wanted to petition for two million just in case technology changed. How much difference in air quality does going from one million to two million make? I am thinking it is a lot but ...

John Mundell: Well, you know when you model these things, when you predict what will happen – that – when you go from one to two million, all things being equal you have twice the flux, twice the amount of mass coming out at one time, so you could plug it in to the Purdue model or other models but it should be a worse situation. In other words, the stuff should go out further and you should smell it more widespread with two million versus one million. I mean it is just a matter of mass balance; what goes out tends to go further and you smell more, so it isn't twice as much but when you model these things you would show a map and say here is how big this plume could be and now let's double it. So, but what is interesting is this Purdue, and I haven't used this, but this Purdue model is – it was kind of constructed 15-20 years ago based on a lot of good science at that time; it was kind of trying to figure out a good way of coming up with these setbacks, and I'm sure there is a good technical basis for it but that is 15 years ago, 20 years ago; had less of these two million chicken facilities to calibrate against. Perhaps if it was

redone recently or in the next five to ten years the model could account for the largeness that we have here. I was just cautioning about using theoretical models when we are dealing with brand new large situations that we could measure the air quality from so that is...

Mike Winge: Do you use any kind of model?

John Mundell: There are three or four different air models you can use to model these things. We didn't – we had a paper and we didn't offer it into evidence that actually was an EPA model that they used for CAFO operations that predicted the air quality and they actually collected data too so they showed how the data they collected compared to the theoretical and said it was a good model so there's an – and I will have to remember the acronym – there is a couple of EPA models that are used for these as well, so there is more than one besides the Purdue model and you could – now that we have the information that they have, we could actually run other models we didn't have this information until tonight so we didn't have the opportunity to look at another approach.

Mike Winge: Tony I have one quick question for you by the time we are done here tonight, do you happen to have in any of your information complaints on the facilities themselves other than stuff being piled outside or any information, would you happen to have any complaints on them.

Anthony Long: IDEM wouldn't talk to us.

Jeff Valiant: So it's no.

Anthony Long: We tried.

Terry Dayvolt: So you don't have anything any newer than December 1995 for the manure on your R-07?

Anthony Long: If exhibit 7 is from '95, I don't have it in front of me at the moment but I am sure...

Terry Dayvolt: It says RCA issue brief number 7 December of 1995.

Anthony Long: We offered evidence from the production of the manure – the quantities of the manure – without going back and looking at my exhibits again, I don't have the dates committed to memory but I – we offered I thought a number of things on manure. One particular exhibit, we did our best to get the most current and the latest - understanding that we are the only ones who have offered anything with regards to manure and the proper handling of it we believe.

Terry Dayvolt: Well as long as we have been talking about the health hazards of it – do we have any – can you give me any numbers on deaths that have come from this?

Anthony Long: Nope.

Terry Dayvolt: Why not?

Anthony Long: I don't know, it's not available to my knowledge.

Terry Dayvolt: Also you talked to me about setbacks in R-01.

Anthony Long: Huh?

Terry Dayvolt: Hendricks County.

Anthony Long: Some of them have setback.

Terry Dayvolt: Thirty feet?

Anthony Long: That's not much of one.

Terry Dayvolt: Well I'm looking, I'm thinking Hendricks County, and you know what I am thinking, Hendricks County has probably got some of the toughest and stringent zoning laws in the State of Indiana.

Anthony Long: I am not for sure why they would.

Terry Dayvolt: Indianapolis and I, I couldn't even see them - I thought I would see ziltch. You know you are not building one in Hendricks County.

Anthony Long: No, but we are giving you the counties, the 26 counties in Indiana that have at least taken the time to devote some energy to trying to set some local standards for their community and I don't know why in Hendricks County they would have made it 30 – there are all sorts of standards that go around – some of them are good some of them are not so good in my opinion.

Terry Dayvolt: Well you know what I am saying. If we were going to model something after some other county, Hendricks County would be the one I would think we would look to for the most stringent ...

Anthony Long: And I am not for sure why you would form an opinion because we don't know what their zoning code says; we don't, I don't know without looking at the map, do we have any CAFOs at all, reported cases in Hendricks County? That is an issue of concern to me but ...

Terry Dayvolt: But they are talking and you are....in this example that you gave us Hendricks County is talking about CFOs.

Anthony Long: What I am telling you in that exhibit, and what my purpose was is to let you know that the elected representatives of 26 counties in Indiana have weighed in on the issue of the standards that they want for their people to have. We didn't offer this to you all to go in and pick out and carve out and decide what the policy of Warrick County should be. Nowhere in any

of the findings do you have that is setting Warrick County policy. That should be the legislative function of the Board of Commissioners.

Terry Dayvolt: Correct.

Anthony Long: And, your decision to make is those six qualifications: is this a suitable site, is it going to have a negative impact, those are the decisions that your rules set forth that you are supposed to make your decision on. Not to set up and fashion what the policy of Warrick County should be because in all due respect, that...

Terry Dayvolt: I thought you were arguing that we did not have any rules.

Anthony Long: We don't have any.

Terry Dayvolt: And that we should be – have some guideline.

Anthony Long: We should have some. That is exactly what I am arguing but I didn't come for you to ask you to set the guidelines because I don't think you have the authority to set the guidelines.

Terry Dayvolt: I don't have the authority to set the guidelines and that is not what I'm asking – saying. I am just asking why I had this and why Hendricks County and some of the other counties did not have a more stringent thumb on the CFOs.

Anthony Long: I can't possibly answer why any of the 26 counties...

Terry Dayvolt: You understand what I am saying.

Anthony Long: I understand what you...

Terry Dayvolt: I am not trying to set legislation I am just trying to figure out why we are so behind.

Anthony Long: Well you will have to ask somebody – I have never been a commissioner so I can't answer that question.

Terry Dayvolt: Maybe you ought to run.

Anthony Long: I am done running. I am trying to have my area that we just acquired as a refuge to hide in. I just hope I don't smell chicken manure all the time.

Terry Dayvolt: Is that the wild hogs up there?

Anthony Long: I ain't got no hogs. Nobody hates them more than I do. We have some quail though.

Jeff Valiant: We are going to take a short recess. (2:25 am)

The meeting reconvened at 2:35.

Jeff Valiant: We will ask for remonstrators on the opposition side. I do want to ask – this could take – we are going on 3:00 in the morning – contain the repetitiveness. If you have something new other than Attorney Long had that would be great, but please anybody you are welcome to come on up.

Josh Cobb: I am already signed in. My name is Josh Cobb and I live at 6955 Eby Road. I am right in the middle of the un-highlighted section of the map so I'm – this is going to be a big part of my life if this is passed. I am first going to apologize because I don't wear a shirt and tie, I am just a normal guy and I don't have any of those fancy jeans or ties or suits but my opinion matters I think because this is going to directly affect me. Listening to Prime Foods would make everyone want to move out to this area, I mean there is no smells no issues, property values are all good so it doesn't make sense how they'd always try to target these things in remote areas but you know, it's all great in their opinion.

One thing I would like to mention based off what they stated. They said that they planned – with the pitting they are going to use and their structures, the trees as a barrier; they are going to trap 80-85% of the contaminants and the particulates in the air. So based off of two million chicken scale, if you downsize that – if you take 2 million times 15% that is basically like us dealing with 300,000 chickens at 100% particulate matter scale. So that is about 4-5 times larger than a large operation in Indiana. So by passing this, you are subjecting the Greenbriar community to a 4-5 times larger operation than a large scaled– by Indiana law operation – of 100% particulate matter from this facility based on their 15% that they are only allow to be admitted into the community. From 2 million chickens 15% doesn't sound like a large number but we are talking about 2 million chickens here so I think 15% is a large number especially since I am directly downwind – even though on their application it clearly states all homes are up wind and I am clearly downwind, so I think that is pretty relevant.

They wanted – you know you guys all probably think we are all anti-farmers – that is kind of how we are being portrayed. My wife's family farms; they raise beefalo – a buffalo and cattle hybrid and they have their whole lives, I think they are third generation so we are not anti-farmers guys. This is a factory. This isn't a farm and that is very important.

The ones that decided to speak on behalf of Prime Foods – every one of them have one thing in common, okay, this room is clearly divided. There is the ones who stand to lose and the ones who stand to gain, okay and us here, we are going to live by this facility. We stand to deal with this matter for the rest of our lives with the biggest investment of our lives so it is easy for you guys to chuckle and laugh like this is a funny issue but it is not. These guys they talk about passion and excelling in business, that is great but I can tell you one thing Mr. Kramer and Bennett, your passion for money isn't greater than my passion to protect my kids, okay. I want to

make that clear to them. This is, you are not going to put our community at risk just for a dollar bill. This is a big deal.

The undocumented workers – people want to say that I said that it is possible they will be bringing in undocumented workers – my common sense logic tells me you don't build a 3,000 square foot facility for a single family and they mentioned families in plural definition. These are families homes so how many families? What is the number? Why don't we know that number? So am I wrong there; I don't know. Why don't you ask them?

Ron Bennett told me and my wife that he is going to this location – like he said – it was cheaper, it is cheaper for them but it is going to cost us as a community. I don't think it is fair to cost the community to save the money for a big corporation. He is also on record, on every article that he writes that he is going to start off small. He uses the word small quite often and by definition of Indiana's law which you are very aware of – 82,000 is considered large – that is 4-5 times that amount. So he is starting off five times bigger than a large operation but he is telling the community he is small over and over and over again. So I am not a public speaker. I am sorry if I am messing up here. I didn't come here with a prepared speech, I wanted to write it down as I go and kind of defend what they are saying.

I did meet with a Dr. Bill Morrison. He is with U of E - semi-retired – he writes for Cornell and he is a famous bird watcher. He is a People's Choice Awards winner recipient who said when I met him on my property that is one of the top spots in the nation for bird watching. I don't know if that matters to anybody here but that will all be destroyed. He writes for Cornell and said that people come from all over. That area just south of there that Mel Greer owns, that wetland is very relevant to their studies. That day he had a rare bird species there so that is a very heavily traffic area for migratory birds. I don't know if anybody cares about that but it is a factor.

So, you know, they talk about the water how there is no runoff and let's just assume that is perfectly fine; no run off, no spills and I think that you have to consider the information they have given us and if best case scenario we have clean water but we have to deal with the air problem I think my kids don't deserve to get bronchitis or asthma over it. You asked about deaths or whoever asked about deaths, do you have to die for you to be affected? I mean do we have to have fatalities for this to matter? I mean this is a community problem. We are going to have more crime – if we are bringing in – if we are going to have a low wage page scale operation out there or whatever they decide to pay, if we are going to make that an industrial area that is going to be a poor area of the community that nobody wants to live in. That will increase crime as well.

I am just – I sense some biasness and I hope that is not correct but we shouldn't have to die for it to matter and it is not a laughable matter in our opinion and I think that everybody here at 3:00 in the morning because we all care. We care a whole lot and it is in your hands so please make the right decision. That is all I have.

Ron Schmitt: My name is Ron Schmitt and I have adjoining property to this. If everything that Prime Foods is laying out today – if all that was true I wouldn't have any problem living right next door, no problem. My problem is that after this Board makes a decision, you guys all go home and the accountability – what is the accountability? They are saying all this stuff but what is really going to hold them accountable for all these things they are going to say – or do? As far as the real estate values which is what I am mostly concerned about because I bought this property out here as something for my family and an investment and maybe when I retire, you know that is how I am going to support myself and so now after spending all of this money and going out here, it shouldn't be right in the United States for somebody to conduct business and the people around them their property values get devalued. I mean that is just not – I mean that is just not – no way that can be right. So if somebody invests – if their business creates degrading of property values they should be held accountable. How is that going to happen? Everybody here knows that is not going to happen and individually fighting them is not going to happen. These people can't afford to fight these guys so, the unknown is the accountability and I don't think anybody can hold them accountable and they are going to do what they want to do. Good wishes or not, if they really had good wishes and everything was just great, they would have picked a spot that nobody would have argued with but that isn't what they did. I am mostly concerned about preserving the values of the properties and the accountability of that. Again, no problem if everything is like they saying and there is no smell and no property values go down then I don't have any problem with it. I like eggs and we have to have them but accountability.

Mike Winge: I have a question of you sir before you sit down. How close do you live? We have a hog farmer, is he still here? How close do you live to any of that going on out there? The farmers that are already there.

Terry Dayvolt: Mr. Schnur

Ron Schmitt: Oh I don't live by him.

Mike Winge: Are you close to any of the farmers that do any of that kind of stuff?

Ron Schmitt: No

Mike Winge: And you knew that was an Ag area that you were going out into though. That is my point.

Ron Schmitt: No

Mike Winge: You didn't, so you didn't check on that.

Ron Schmitt: No, I did, it was a Recreation area. What are you getting at?

Mike Winge: Oh I was just curious as to the information you had when you bought out there and located.

Josh Cobb: Ask Kim Waterbury that.

Morrie Doll: You have to speak at the microphone. We are not going ..

Josh Cobb: why question.....

Morrie Doll: Still, you have to speak at the microphone. It's a record.

Josh Cobb: Ok, I do sense some partialness on your behalf so why didn't you ask Kim Waterbury that same question that says she lives out there. She lives far away.

Ron Schmitt: I have a question for you, what difference does it make? I am out there first. I own it, okay, I'm there, so what difference does it make. What happens if a guy moves next door to you and he wants to start a garage and he just stops operating and they just change the rules on you.

Mike Winge: If it is any consolation to you, I bought to retire on a piece of property south of town only to find out that I have a landfill out there beside me. So what am I going to do about that? I was there first.

Ron Schmitt: They are putting a chicken farm next to me.

Mike Winge: Well it's pretty close if you are going to look at it this way, this was opened and theirs is contained so I mean...

Ron Schmitt: I am just saying when I moved there was no chicken farm there.

Mike Winge: Well when I bought there was no landfill there.

Ron Schmitt: And they put a landfill next to you?

Mike Winge: Real close, not far.

Ron Schmitt: How far?

Mike Winge: Half a mile probably or less.

Ron Schmitt: What is the wind direction?

Mike Winge: My way.

Unidentified Speaker: Did your value go up?

Mike Winge: I actually sold it for more than what it was appraised for.

Albert Ashley: Albert Ashley. I live in Warrick County all of my life, almost 72 years. I watched Kramer's grow. They have done a good job – they have done a good job up until now but I do not believe this is the right site for one reason, a good reason this is mine stripped

ground. I was in on mining this out there. The flood area starts in before you get to the highway. I have seen that underwater. The Otter Creek ditch we all talked about – the big pit that they – the biggest water source they have on their property right now, Otter Creek feeds into it and goes back out which you know heads south down to the Ohio River. Okay, across the highway of 61 north at the main entrance that they are planning on using going into – Vigo Coal stripped that ground in there. They dug one big pit on the northwest side of the highway. Looks like a big lake, it is deep. Otter Creek goes into that and runs out. Okay, when they dug that they took the coal out and they brought a sidewall auger drill in drilled different directions to take coal out, so you have cavities laying there to pick up surface water, feed into that pit right into Otter Creek. Okay, say they never have a spill – they are clean – great. But have you ever seen a plant that didn't have an accident. Not their fault. That will contaminate. Who is going to pay for the cleanup? They going to be like the oil companies and pay for the cleanup. No, they might get a little fine slapped to them.

Dust particles. If you take dust particles out of your houses, I don't know care how fancy they are, how scientific they are. You take your house. You think it is clean. I will keep it clean. I will put good furnaces in and air cleaners in – does it get dusty – yes. These chicken houses are going to have outgoing air – they have to have because chickens can't take the heat; they can't take the cold – they are going to have air going out. Okay, the air video they gave us, they went out there and took their shots. Looks like they have good buffers, okay, those are shrub trees there is very few mature trees in that group of stuff. From the air it looks like it. How long does it take trees to grow? We'll plant trees – we ain't going to have buffers. You have four and half months with no leaves I think Don Lee brought up. You got no buffer. Okay, we have kids that is going to grow up in this community - which we need their support their tax dollars to help, yes, but let's find the right location for this thing, not just go out here and say this really looks pretty this will work – we have our water we go access to it – we got electric coming to and maybe get city water maybe we can't but we can use out of the pit until we do. Let's don't if, if, if let's make certain what we are doing. That's all I have to say, thank you.

Jeff Valiant: If anybody else feels like speaking – if not...again new items brought up.

Brian Lucas: Brian Lucas. I have been a lifetime – I have lived in Warrick County all of my life. There are a few things about the presentation that really concerned me. One is the site location when we already have an industrial park up at 68 that is for this type of project. It is not strip ground. It is ground, I think we have 236 acres right now with an option on 800. I don't know why that site wasn't seriously considered. Building a facility like this on strip mined ground if you don't core and find out what is underneath that unconsolidated material and you have to bore it pretty close because you have to follow the foundation lines and everything else to see what is underneath it because by its very nature is unconsolidated. You may hit a big rock in one place and you may not hit anything in the next spot. As far as their sewer, the strip mined ground is shale. If you put a septic tank in shale, you have five to ten years and it is going to fail; if it passes the perk test to start with. It probably will – it will be on the very low end of the scale.

We have homes now out on the old strip mined ground that is starting to have serious problems with their septic systems and their foundations. If you don't find out that – even if worse comes to worse and you have to go to pilings to the consolidated material you have to find out what is there. I think there needs to be a lot more study done. I think there needs to be a lot more education. Is this a good project for Warrick County? It probably is but I think this is the wrong location. You really need to look at maybe relocating it somewhere like the industrial park that is set up for this. Thank you very much for your time.

Becky Hodges: I didn't plan on speaking but sometimes your emotions get away with you – that does it with me. As the crow flies I live about a mile away from this facility and that is what the wind blows – how the crow flies. So...

Jeff Valiant: Ma'am would you state your name.

Becky Hodges: I am sorry. Becky Hodges. Becky Folsom Hodges rather, I am not used to doing this but I represent three households and four generations of my concerns and I am 61 years old and I lived in Hart Township my whole life. That is where I would like to end my life there. It is my home. My mother, 85 and my now deceased father built a 60 acre homestead there. They cleared and tilled the land and I won't go on with some of this here but it's where I want my grandchildren to grow up and love and live – at least come back to it. Like I said I get too emotional on these things. I have health concerns. We have all addressed that. I get my water from the lakes around my house. I am scared that it is going to contaminate that. I am very scared. I am scared of the diseases. My daughter has asthma and if you have gone with anybody to the hospital in the middle of the night with an asthma attack you know what I am talking about. So I am scared her son will also follow in those steps. But – this part – I'm sorry – this portion of the county hopes to grow in the near future. With the possibility of land becoming available by way of former coal ground this area could boom. Recently I drove in the area that once had been strip coal mines. The Fisherville/St. John area along with the Bluegrass Reserve is beautiful and lively with new homes and activities and of course Victoria was once nothing more than an empty coal ground. Now look how wonderful and desirable it is. We ask that you give us a chance to aspire to what others have made of such surroundings. And as we came in here, the first thing we did was say the pledge to that flag right over there. The last six words on that was and with liberty and justice for all. Thank you very much.

Tony Parrish: I just have a couple of questions. I know you bought a house – oh, excuse me, my name is Tony Parrish; I live at 1400 Otter Creek Drive. I know you bought a house and the dump moved in there and apparently you sold your house for more than what you paid for it. I, we moved from Newburgh to Boonville to get out in the country where there is nobody around us and we built our dream home; spent a lot of money on our dream home, a lot of money and all I have is a question for you. Would you guys want to build your dream home – I know you may be okay with it – but would the rest of you guys want to build your dream home and have this move next door to you. For your kids – I mean we have a lake and property for our kids and grandkids

to ride around on and would you want this on your property. Next to your property. For your dream home that you built, would you want to live next door to this. Would Jay Kramer want to live next door to this; would Ron Bennett want to live next door to this? If you would want to live next door to this I have a very nice house that you can probably afford and I am welcome to sell it to you. None of you...this is all – we have to take care of our families and we work our tails off for our homes and it is your decision ...these guys – I'm a business owner too. I would never do anything to jeopardize residents. I am a pillar of the community and I – every decision we make in our business is how would it affect other people. We are in business to make money but we are also a good pillar to the community. This is not being a good pillar to the community. There's other places. They don't have the water and they don't have their sewer right now. As the gentleman said, reclaimed ground is not good for having a septic there. When we built our house that was one of the deals we had to go to the Planning Commission for; they had to do a septic test and tell us where they had to put the tank and this is not being a good steward of this community. There are other places around here that is not near homes. There is property north of Chandler. They have lakes and stuff on their property. If they are going to get the water from the lakes it don't matter if it is this place here. They can get it from another place that has water on lakes and there is no other residents around. And no fight. We are not fighting because we hate farmers. We are fighting because we love our families and our homes and that is why all of us joined together and hired Anthony. You think this is something we have wanted to do. We have had to fight this now for eight weeks and they tried sliding this under and not even – we found out about it through some little letters that not everybody got and then they had to redo it and then everybody got their letter. So that is all I have. Just think about our families and our lives – our savings that we have put into these houses. Thank you.

Megan Cobb: Hi my name is Megan Cobb. I am 6955 Eby Road; I am about 2,000 feet downwind from the proposed location. My husband covered everything I want to say so I don't have much to say. One thing that I didn't hear an answer to that I am curious about because they stated that they intend to hire locals to fill these positions but one thing I don't understand is why they have a need to build home sites on their application if they are hiring somebody who lives in Boonville because we already live here – we don't need a home built for us at our jobsite if we already live here so it doesn't make a lot of sense to me.

And really, there is nothing else I want to address. I don't know Jay Kramer or Ron Bennett – I do see the gentleman in the green shirt that is been sitting with Jay Kramer and conversing with him – he is sitting in front of him now – but I, if that is any – his character is somebody that would sit with him and converse with him – he is the gentleman that when a group of us women were standing outside of the bathroom a while ago I believe he came up and said “Why don't you piss on the floor, this is the courtroom.” So that is all I have to say.

Susan Schmitt: I have already signed in but my name is Susan Schmitt and I am married to Ron Schmitt. We have five grandchildren. Our son has property attached to ours so we do see this as two generations with future to be there. My question is for Warrick County, if we have an

industrial park, which this is an industrial factory of chickens this is not free range chickens in your back yard, this is not four chickens in Newburgh this is a factory where they drop their eggs and then they are transported. Why can't it go in the industrial park that you have already zoned or somebody has already zoned for it to be there. I don't understand why we have to be infringed upon and have our property values decrease – have these children – our, whatever illnesses that we are not sure of – potentially even be a hazard. I am sorry you were near a landfill – I do not want our property near a proposed new facility that I can run to it. I mean it is not very far away. I do believe no matter what study there is there will be odors. I hate to think that we are compared to Muhlenberg County of Kentucky. This is Warrick County and we need to preserve who we are and preserve our heritage of what we want to be. So I just wanted to say that. I have signed in and I am Susan Schmitt. We have about 325 acres and I just think this is not a good location. I think there would be a better location in this county for this type of industry.

Mel Greer: Good evening, I guess it is good morning now but I guess my family bought a farm.

Morrie Doll: I am sorry. Can you say your name for the record.

Mel Greer: Mel Greer, sorry. My family bought a couple hundred acres out on Kelly Road about fifteen - sixteen years ago and we use it as recreational area and we knew it was agricultural when we bought it. So when we heard that – we had already went through the platting process of getting the subdivision done which was just done because my dad is getting quite a bit older and this was kind of his retirement. It is not necessary but it something we wanted to do. So when this came up and we found out about it, it was quite alarming to us that was going on. Several people got together and we started talking about it so one of the first things I did as research on this was like what other egg farms are around this area. So I “googled” and I ask you to do that. Just “egg farms in Indiana” it is real simple to do and there is one in Seymour, Indiana so I looked it up on Google Earth and it is sitting out between Hoosier National Forest and Seymour. It is about 2 ½ miles to the west so I looked at the street and saw a shop there and I called the business and I asked him, I said hey, look – I told him my situation – I said what is it like over there and he said well you know it's not too bad, we are about 2 ½ miles away and about 12-14 days a year he said we can't stand to be outside but he said other than that we get the occasional smell of it but it is not terrible. He said but I know some other people you might want to call. So he gave me some other names so I called another gentleman and it turns out he lives on the same street ¼ west of the farm. I talked to him and he said actually I put a lot of their manure on my farm and he said you know what, we don't really get the smell that bad because we are just to the west about ¼ mile but he said the files are terrible. He said you know we can hardly go outside. He said he had to go down there and complain and he didn't know what they do but the do something and then it gets better for a few weeks and he said and then they come right back. He said that was probably the most annoying thing.

There are several egg companies in Indiana and I didn't come prepared to talk but I did do a little bit of quick research and you know there is Newton Egg Farm, White County Egg Farm up around Lafayette, Indiana, and Hoosier Pride Egg Farm just outside of Portland over on 67 going into Ohio; there are several of them. I really wish you would "google" them and then look at the properties and Google Earth it and zoom down to see where they are. They are in a truly agricultural area. I mean nothing but farm fields around. There are no houses other than the occasional farm home. There is no concentration of communities such as Otter Creek with a lot of nice homes in it or Kelly Road with a lot of nice homes on it. These are truly out in the middle of farm areas. So I just think it is a little eye opening if you see where these are being put. Now, we didn't know about some of the new stuff. Maybe we need to see where those are. Maybe one of these is one of those, I don't know because that wasn't information that was divulged to us before. But, you know, I felt a little kick-back on the – you know – did he not – did Mr. Schmitt not know that was agriculture when he bought out there. He did and so did we and we don't have a problem with agriculture but what Prime Foods wants to do is not agriculture or they wouldn't be here asking for the variance and we wouldn't be here fighting them. That's all I have.

Ruthie Howard: Hi, my name is Ruthie Howard. I live right there on Greenbriar about ½ mile from where they are going to build this facility. I have emphysema and I don't particularly you know that I would live a long time anyway but to know that I can't go outside – not to know about these diseases for sure to not to be able to go out and just enjoy my yard I would be too scared cause I don't want to deteriorate quicker. So I am concerned about that. I just bought my mom's home place – she passed away and it's been our home place since I was about fourteen and so I was really happy getting this place such an honor but now I don't know. My husband worked for Prime Foods for about 26 years he drove a truck. He is retired now but what I'm concerned about is I know what they say they will do but I know with my husband driving the truck Jay would break every rule there was on the road to get money you know. Whether you had your log book caught up – my husband had to lie, he had to cheat on the – you know to get – in order to get these runs. So I knew he did that and my concern is he may say he is going to do these things where there is no diseases or no odors or stuff but I just know what it was like when my husband worked for him. I really appreciate that you know that we did get an earning from Prime Foods. I really am grateful that put food on my table and stuff but I didn't like that part as far as running them very hard and he didn't care how he got the runs done – just get them done, so I kind of don't trust that part about them saying they are going to do this and going to do that I am not for sure about that and I am very concerned about that but you know, I just – half a mile you know and with emphysema and everything I am – you know it is awful to be scared to walk outside and that is what I am going to feel until I have proof in front of me that there is no diseases of this and right now I am still thinking there is. So, that many chickens, two millions chickens and the manure and the diseases that they do carry you know I have a sister who is on oxygen – she probably will never come and see me again so these are things that I am dealing with. You know it is not so much my home depreciating – I am in a modular – that is going to

depreciate anyway. I have acres but I am concerned about my health and I am concerned about will he get this done. Thank you.

Laney Cobb: Hi, my name is Laney Cobb. I am the same as my mom and dad, Josh and Megan Cobb. The only thing I don't like about this is that I love my house – it is the best house I have ever had and I do gymnastics at Gloria's and I am afraid that if we have to move cause this gets in I am afraid that I have to move gymnastics places and I have already had to do that once so I really don't want to do that. Thank you.

Jeff Valiant: Laney are you going to school tomorrow? That's ok, I don't think I am going to work either.

(Laughter)

Katrina Parrish: Hi, I am Katrina Parrish and actually I am a school teacher and I will be going to school here in a couple of hours and I feel sorry for my students I am just going to say. I live at 1400 Otter Creek Drive. My husband Tony has already been up here to speak and first of all I would like to encourage each one of you Board members to drive out to this area and see what is happening in this area. You know they have mentioned several new homes going in this area. My husband and I lived in Newburgh for seventeen years, raised our children there. We wanted to get out into the country and our children didn't like it very well but we built our dream home and we waited until they were out and so we designed everything about this –we did a lot of the work on our own. We live in Otter Creek a new subdivision. We have a \$700,000 home. This doesn't compare to the hundred and hundred twenty thousand dollar homes. Even if we lose 15% of our value – which is very realistic – 25-40% is probably more accurate – that is a lot of money and we have worked hard to get where we are. Did we know it was agriculture – yes we saw cows. I am not anti-farming. I grew up in the country. I grew up – my aunts and uncles and lots of family had cattle and pigs and chickens. That is not a problem. This is not traditional farming. This is a factory. When we got ready to build our home in Warrick County we had to have every little thing approved before we could do one little thing on our house. We couldn't put in a septic until we knew exactly where it was going to go and how we were going to run the lines. We couldn't build our home until we had every specification there. How is this any different? They have given us a lot of information tonight but they still do not have specifications on a lot of these things. I am asking you please if nothing else hold off your decision until all of these things are in. Until we have all of the testing. Until we have all of their exact plans but I am also asking you again, go see this area. My husband and I built our home. After we built our home there were three or four other homes that have gone in there. This is not a low income, mediocre subdivision we live in. Most of the homes start at \$300,000 up to a million. That is a pretty upscale neighborhood for Boonville. I will be honest, when we went to sell our house in Newburgh our realtor even said are you sure you want to sell this house and move to Boonville. Sorry to say, it has that stigma. It is sad to say and we are in an area that is trying to develop and put nicer homes. The Greer's have been working to develop a subdivision with \$300,000 and

plus. That is not going to happen if this goes in. There are five lots that sold in our neighborhood this summer. Several of them were planning to start building by August. Things fell through now they are waiting till spring and now this so now we have heard well, now we aren't even sure. There have been a few "For Sale" signs go up on the lots. They are scared to build there. And as Don Lee said, it may not be factual but it is perception and let's face it – in reality those perceptions go a long way. We are all very guilty of judging based on perceptions. That is all I have to say, thank you.

Robin Likens: My name is Robin Likens. I live at 1157 Otter Drive. I did not plan to speak tonight at all and I don't do this so my heart is beating and I am very nervous and I am hungry and I just have a few things. I want you guys to see our faces. I want you to know that I did not grow up in Boonville. We moved in ten years ago from Harrison County, Indiana. Our children were small. I had one that wasn't in school yet – I now have a freshman in high school and a freshman in college which I am paying for. My husband works at Alcoa which is brought us into the neighborhood. We researched as much as we could. We wanted to – we are country – we did not want to be in town but we wanted to protect our property values. We were going to invest in – we knew we were probably going to build so we researched and we did what we could and we found the perfect lot. We were the second house out there. We love it. It is absolutely gorgeous. I love my back yard. I love to set outside. My kids play soccer. They love to play soccer outside. It is just a great neighborhood and we bought there to protect our property value. So now we are looking at something coming in and it is hard for me to wrap my mind around how something that come in and devalue the land all around it regardless of what somebody tries to tell us because everybody that has common sense knows it is going to devalue it. How that can be good...and I don't know if is just – if Newburgh – if we just want to protect that end of the county and we don't really care about the – this end of the county. I honestly don't know. I don't know anybody in this room. I don't know – I am nobody. I am not a business owner – I am nothing – just we pay our taxes – we go to work every day – we volunteer in our community – we take care of our community and we care about our community and we are good citizens. And we deserve for you guys to take that into account whenever you are making this decision on our home. I am forty something years old, as I said I have a freshman in college, I can't recoup. My husband put his resume back out on the market back when Alcoa did their thing so we may be moving out of the area – depending on Alcoa is not totally stable and I can't recoup losses. I can't send both of my girls to college, retire in a few years and do all of that as what I planned which is not your problem but you should take that into account because we are good citizens of this county.

The other thing, I was outside for the first part so I didn't get to hear, but it seems like we don't – I don't really know what is getting approved here. It seems like there is no set details of -we know exactly what going to go on – how many chickens are even going to be there – how many – it seems like there is no real details of what you are really approving to be built there. And I have a real big concern when I heard the person telling us that they were looking at other chicken

houses or whatever you want to call them – chicken facilities – and they were comparing and again I know this was already brought up - \$100,00 - \$125,000 houses. That is not what is out in that area. Even outside of Otter Creek which is all nice houses even outside of there, many, many, many nice house that it is going to devalue and for somebody to – for common sense for me for somebody to set there and tell me that isn't going to change the value to try to sell that to me – like oh it's not going to change the value of your home – then I am concern about what else they are telling me because that just doesn't make logical sense to me at all. Thank you.

Rita Long: I have already signed in. My name is Rita Long. I live at 1533 Dogwood Lane in Boonville. I moved here 41 years ago. When Anthony and I decided to build our home we looked at several areas around Boonville within a certain radius before we decided on the property that we have. I love where I live. We have eagle and things out in our area that we can see driving up and down the road. There is one that will sit on 61 on a post that I see when I drive home from work and to work. There has been a lot of growth in the northern half of Warrick County. You have a lot of people that have moved up in the Tennyson area. You have people who have moved over and built homes where Ron Bacon lives over toward Inderrieden Road. These are not little bitty houses you know like this gentleman indicated. He was comparing comparable sites but what he wasn't doing was comparing comparable housing values. This is an area that has been growing and I have some great concerns about it. The gentleman over here mentioned something about were there any deaths associated with this type of industry. After I moved here there was a study done, oh it may have been up to possibly 30 years ago. There were a group of doctors in Evansville and they got really concerned because people started dying from heart, respiratory and cancer and they were dying at such a rate they couldn't explain it. So they did some investigating and they found out that it was all in relation to the pollution in the area that we live. These are great concerns that we need to think about. We already are at the very top level if you look at the nation in pollution. Southwest Indiana already ranks all the way up there; personally, I don't want to see us at number one. What does that say about the State of Indiana and Southwest Indiana and where we live if we attain that type of rating? I know there is a school in Evansville – they have respirator type or breathing type machines because some of their children – there's I think maybe – I think it was told to me maybe seven children that sometimes have to rely on those day to day. They can't go out and play because the ozone levels are high. How many times do you hear that on TV? Think about it. People with respiratory and other health issues please be advised that today the ozone – our ozone markings are really, really high for this day, that day and the next day. If you listen to their wordage, they are very careful on what they say. They talk about minimal – they will try to keep things to minimum level on particulates and what not. What is minimal? It is looking like minimal is pretty high. Odors – I have been around these places before growing up. I have driven by some that don't bother you at all and then I have driven by some that every time you go by that particular place it takes your breath away; you can hardly stand to drive by it no matter what day it is. So these are all things we need to consider and think about but I think this health and environmental issue is so great. We are already at such a high level and I think we

really need to take this into consideration. There is so many things with these types of plants and I dare say they have not been forthcoming on what they want to do. They – what were the words – biggest in the nation. Biggest in the nation to do what; just produce eggs and process eggs? I don't think so. You all know from the pictures you have seen. Okay, you have brooder houses, you have your layers, you have your manure, you have all that, we have heard all that but eventually those birds have to be killed. Does that mean at some point in time they are going to put in a processing plant to process those birds and whatever else they choose on doing that they haven't disclosed to us? These are all things to think about. Once they do this and get a foothold what is to stop them from asking to put more and more and more there that we don't know about? Seventy million for what? What are they pay in taxes right now with their tax base. Have you heard any of that? I didn't. I won't keep you any longer. I would like to thank you all for remaining here and listening to us tonight. This has gone on extremely long and we are grateful for having the opportunity to speak and disclose what our thoughts are. Thank you.

John Wilson: I am in court all the time I know what is going on.

Jeff Valiant: Is this for or against sir.

John Wilson: No I'm an independent guy. I am a farm and I cut hay at Peabody for 15 years over on Crowville Road, Kelly Road I done all that stuff and I had a brain aneurism and I had to retire and these people who comes in here – I am a farmer – I am a nobody. What I am trying to say is if they want them rich houses and do that – like if he owns that property or I owned that property – we're taking turkey shit out right now and cow shit and putting it out there. If they can't handle the smell they are going to have to get over it. (laughter) Cause I know all of you.

Unidentified man: What has that got to do – what is your point?

Unidentified woman: What is your name?

Sherri Rector: This isn't going to happen and don't be cussing in the meeting.

John Wilson: I'm sorry about that.

Mumbled speech.

Jeff Valiant: Sir address the Board if not you can sit down.

John Wilson: I farm right there beside from them on Crowville Road and Peabody's and we do the same thing, put turkey poop and everything but what I am trying to say you just never know what is going to happen. The houses if they spend the money on that they are just going to have to get over the smell.

Sherri Rector: Thank you. We are going to do rebuttal now and you have fifteen minutes. And then we are done.

Chris Wischer: There is a lot I could rebut if I keep it to the relevant things it may not take me that long. First let me say something to the farmers that came out tonight. As someone who had done a lot of zoning and I have done a lot in my time it is very rare you have folks here “for” something. For them to come out here for something at this time of year during harvest season and to stay – the ones who stayed tonight I just wanted to thank them for coming out and showing support. It is something that I wrote down early in my notes – it is something you don’t see very often and that is good to see – people taking interest in what is going on in the community.

I will just kind of go through my list and keep it simple at a base level. There has been a lot of talk about studies. If you go through the studies, there was study after study after study. I stopped taking notes at about 33 but if you looked at them, 2007, 2005, 1999, 2008 – these are older studies. They are studies about studies. There are studies that summarize studies. There is a list of studies and they are all pretty much the same. They deal with liquid manure systems or they deal with hogs systems or lagoon systems. Very few of those studies have anything to do with what we described to you tonight. A lot of the concerns and the conclusions that are formed based on those concerns have to do with perception about odor; perception about environmental contamination of the water and the air; they have to do with the perception and concern about health. We dealt with all of those issues. We had expert testimony on each one of those issues about how that was going to be handled. About how the manure was going to be handled at the facility; how it is going to be handled in transporting it off site. Now yes, it will be applied – there is a lot of information supplied by the opponents about manure application – that is legal – it is regulated by the chemist. I went through some of what you have there from the chemist – every complaint is investigated – many of those were no violation found – many of those were fines. If you violate the law and somebody complains you are going to get investigated and if you did something wrong you are going to get fined but there is law, there is a system on that and that is in place.

Setbacks: the county study I have a copy of that, I didn’t submit it- I didn’t think particularly relevant to you but as I said earlier there are counties that have more stringent setbacks. If you go look at the most stringent setbacks, this site and the distances from these facilities to residential structures would meet the most stringent setbacks in any of those counties. So I would submit that even if you had, if your legislative body did set those setbacks, if they set them as stringent as the most stringent county, we would be in compliance.

There was a lot of talk about they don’t know what they are going to build. They know what they are going to build. They are going to build what they showed you they are going to build. They are going to build laying facilities and pullet facilities. They are not going to build a food processing facility. That is what they do on – in here in Boonville at the industrial park. That is where they take the eggs and hard cook them and process them into some other product as it goes out. That has been thought about as some food processing but it wouldn’t replace what they do in Boonville and they would have to get an “M-2” just as what was said so that is not part of this.

What is part of this is a Special Use, a Special Use 5 which includes all commercial facilities related to a confined feeding operation. So of course we put the entire site in the Special Use. Why would we carve it up into little pieces? Every commercial facility involved in that CFO needs to be part of that Special Use in our opinion and that is what we did and we did that in consultation with the Plan Commission staff.

There are 650 or more CAFOs in Indiana. So if a CAFO by its nature of being a CAFO is going to lead to the county being in ruin or some of the other dramatic statements that were made about CAFOs then Indiana must really be in bad shape because there are 680. You saw the map. I think one of you showed the map the gentleman used and it showed all the CAFOs in the state. If a CAFO, just because it is a CAFO is going to be devastating to the county then that is a problem; but that is not true and all the information that was submitted, you need to ask yourself how does it apply to this facility? How does it apply to a dry manure system? How does it apply to a system that is entirely enclosed and is not exposed to runoff? There is a lot of speculation – what if there is a crack – what if it breaks – all of this stuff. There is no evidence that has happened. On the health issue: there is no evidence was submitted of any – more than death – the only illness that I remember speaking was when Dan Hudgens talked about somebody poking their eye with a needle. I don't remember any evidence - we have gone – we go from manure has some toxins in it – ammonia – other pathogens and they can be released right – to those pathogens in certain quantities can cause disease ergo the CAFO is going to cause disease. But, if the manure is handled right and in most CAFOs they are and in this CAFO it is going to be handled in a particular way that it is scientific technology – you heard from scientists, Phd. on all those issues, then that is not going to be a problem and again, where is the evidence that any egg laying facility that has caused environmental contamination; where is any evidence of any egg laying facility that has caused health issues – not even death but just an illness – where is that? Where is the evidence that any egg laying facility has caused property value devaluation? We have – and I do want David to address the property value issue and I want Mike to address the odor model because those were put in question by their experts and I do want to point out this letter from ERA says just what I said and what Jim told you it would say, *One does not need to be a scientist in order to know this will affect the environment in several ways: diminished air quality, terrific odor, ground water and surface water contamination.* There is an assumption in this letter that all of those things are going to exist and based upon all those assumptions in this letter is the swag – the conclusion – David can speak to that - that no evidence to support it – no sales, no nothing to indicate, just an opinion. If those things exist, let's say for a moment that it is true, if those things exist then there may be a 25% reduction in property values. We have presented evidence that those things are not going to exist. The proper methods, the proper operations are going to be put in place to make sure they don't exist. That is in our plan.

We will not be able to get a building permit, just like they couldn't get a building permit for a house – I am skipping to a new item I talk pretty fast through that but this is new – we are not going to be able to get permit until we have all of those issues resolved – until we have our

IDEM permit. We have to go through the entire IDEM process to get IDEM approved, and then we can come in and get building permits and we have to have the sewer and we have to have the water and all of that has to be worked out. Just like when they built their house. They had to have all of that figured out – we will have to have all that figured out when we build this facility. The first issue is though is the site an appropriate location. We explained to you why it is an appropriate location. The screening: you drive by you can't even see down into it. All of those things and I won't belabor that. It is all in the Power Point and it is all in the materials we provided to you. But this is a good site for this. It is an ideal site for this. Jay Kramer and Ronald Bennett know this site. They know there are residences nearby; they know where they are and they have put – they are going to put a lot of money – they put a lot of study – into this to ensure that it is not a problem. That is why they are doing it this way. They are taking all the best from all the different places on – that they can find – all these systems and they are putting them into this facility and it is going to be first class and it is going to be a benefit to the county. I do want to ask David to address the property value because I need that in the record because I know they raised it and I would like Mike to address the odor and then I will conclude and we can all go home. I am usually not up this late. I haven't been up this late and the last time I was up this late I was probably up to no go, right. How often are we up this late if we are not up to no good.

David Matthews: I just want two minutes to rebut maybe some of the things that were said by the other devaluation witnesses. John Kilpatrick is a person friend of mine. Does he know I am doing a study Tony?

Anthony Long: No, I don't think he does. I'll ...

David Matthews: I'll give him a hard time about that. He is licensed in all fifty states. He lives in Seattle and Key West and I consider him a friend. He and I are working on a large pipeline deal. He is actually working under my direction in Arizona right now and will be doing California pretty soon. But he gave an opinion of the impact without any local testing. He had to comparable sales, he didn't interview anybody, he just relied upon some old, mostly studies by others on hog farms and didn't really have anything on there about modern chicken farms so I don't think his opinion on this is all that reliable and as I said when I see him next time, probably will be in about six months, I will give him a hard time about doing that.

Don Lee and Chris Dickson, both are long time professional friends of mine, both very accomplished brokers and – but they made an assumption that that this facility is going to have a terrible odor. That is the only way they can come up with their conclusions. They did what I cannot do and I do not do as an appraiser. I am not allowed to give opinions without having support. Brokers I guess can do that but appraisers cannot do that, we can get into trouble with the State licensing law about that. They said based upon their experience. They haven't had any experience in this. I hadn't had any experience in this. This is something new. New to Warrick County, so what did I do? I went out and talked to people. I went out and looked at properties. I went out and got comparable sales. I didn't find any \$750,000 homes though because they are

not selling very well right now but I couldn't find that kind of data. I took what data I could and it indicated that it really was not a diminution in property values. Think back to what everybody said. Everybody who has seen, gone to a facility, Tony and you and me, did you smell anything? I didn't smell anything. We drove around a couple of them. What we smelled when we drove around was fresh mown grass. We smelled some swampy odors down by the swamps in Muhlenberg and we smelled Kentucky bar-b-que but we didn't smell any chickens. We drove right up to it. You can get within 50-100 feet of those facilities and that probably is why my study showed no loss because these facilities do not emit odors. A modern, dry manure chicken facilities do not omit odors from my experiences and from what I have heard the scientists and what Tony testified too. Thank you.

Mike Winge: I have a question for you before you go back. I notice when you talked about – in fairness, I listened to this side and now have questions from that side. So you say that facility does not emit odors but I asked earlier about the open area one when it is conveyed over to the – where you store the – manure. So does that emit odors and if so give me kind of idea what we are talking about cause I want to know all this.

David Matthews: If you are asking me I did not smell anything. I have a good – I can't see – I can't hear but I can smell really well.

Mike Winge: I am talking about the composting storage area.

David Matthews: I didn't smell anything at those plants I looked at, that is all I can tell you.

Mike Veenhuizen: Your questions about odors from the manure building. It is open sided but the drying of the manure, the manure characteristics are going to basically control most of the emissions that we would consider from a traditional housing. Higher moisture content in manure and then as you look at the actual emission source it is a very small percentage of the potential emissions coming from the site so the manure facility itself or the manure storage building, even though it is open on the sides is not going to be a significant source of any long range odor emissions.

Mike Winge: Ok, in fairness to Mr. Cobb, do you have a percentage on that.

Mike Veenhuizen: The percentage typically assigned to that type of manure storage, that kind of facility is going to be about 5% -10% of the site emissions.

Doris Horn: I have a question on manure. Of course you know that farmers are not going to be putting any of this on their ground in November, December, January, February, March – what are you going to do with it for five months.

Mike Veenhuizen: We store it in that manure building.

Doris Horn: Five months of manure?

Mike Veenhuizen: Certainly, the buildings are designed to store at least 180 days' worth of storage. They are actually sized to store more than 180 days' worth of storage. In auditing manure records from similar layer facilities, there is manure moving out to farms for application typically every month except for two to three months at a time. The similar layer facilities, two plus million birds that I have worked with they had two months in their records – consecutive months – where they did not move or market any manure out of the buildings and so it is going out – you indicated a five month period we are not applying. We do not apply, it is prohibited to apply to frozen or snow covered ground.

Doris Horn: That is what I meant. Because you don't have farmers using it so what are you going to do with what you have?

Mike Veenhuizen: With fall application and spring application and winter application on no frozen and non-snow covered ground is a practical application method and can be done both environmentally sound and regulatory sound but clearly we do not apply to frozen or snow covered ground. So typically that is going to be December, January, February type of a window so as I indicated, two to three months is typically when we do not have manure moving out of these buildings.

Doris Horn: So you store it in the building then.

Mike Veenhuizen: Store it in the building on site, yes.

Mike Winge: I have one more question for whomever, I will start with you. The question was brought up earlier about the houses being built on site. I know you are going to have the people managing but why the size – is it multi-family.

Chris Wischer: No, not for multi-family. This was known to me at the very beginning what these were for but somehow word gets out that there is going to be some kind of dormitory or barracks or whatever these things are. I didn't bring that up. I mean I know it was suggested that I brought this issue of migrant workers up. Mr. Long conveniently had Spanish applications ready for that in case I did I guess but that is not an issue, that part of it. The houses are single family. There will be an onsite, 24 hour, somebody needs to live there. When you – I am just telling you what has been told to me – when you have a half million to million or two million birds on site you need somebody there all of the time in case anything happens – anything goes down – power goes down, whatever happens they will be there to deal with it so there will be somebody that lives there. It is not because they are coming in from out of town it is because you want them on site all of the time.

Mike Winge: The size of the house. Are we talking about a family?

Chris Wischer: Yeah, I think they put on the site plan about 3,000 square feet. That's, I mean, there are 3,000 square foot houses. Mine might be that big, I don't remember. I don't think that is out of line when you...

Jeff Valiant: But we are talking about a single family dwelling.

Chris Wischer: We are talking about a single family dwelling. I don't know...

Mike Winge: One more question. I think Mr. Ashley brought up the flood area within there. How are you going to address that?

Chris Wischer: The flood plain area?

Mike Winge: Coming into there where he said he has seen it overflowing.

Chris Wischer: I have not seen it overflowing. I don't know that it overflows. I know where the flood plain is shown on the map and I know where the flood plain is shown on the DNR best available maps. We will obviously have to – the experts – will look at the topo on the ground when they get to that point and if it is not in the flood plain we will file map amendments and nothing will be built in the flood plain so it shouldn't be an issue. It won't be an issue. It can't be an issue.

Jeff Valiant: So you still have about a minute and a half left.

Chris Wischer: A minute and half. Let me say this, so let's boil this down. Prime Foods puts out a million eggs a day out of the facility we talked about. Don't lose sight of that. What this is really about is bringing those birds closer to home. The facilities he has in place are – they are – whatever you want to call them – rented facilities. He needs to have his own facilities to control his flock. This is the next step for Prime Foods. It is a company that has done a lot of good for Warrick County and will continue to do so and in order to survive and compete it needs to bring, it needs to get the birds here. This site, it has been on their radar for some time. He was quoted a couple of years ago in Evansville Business Magazine as wanting to do something like this. This is the ground that is available. This is the ground they have under contract. It is 600 acres of ground they can buy from Peabody and if they don't buy it – if Peabody tries to sell it – we know what has happened with their other land – what is it going to be? It will continue to be reclaimed coal mine ground that is not being used. We are going to put it to use. Everything else is in the record. I think the evidence supports approval. Facts. You said facts, we gave you facts, not just opinion. Apply those facts to your criteria I think you will come to the conclusion that your vote is to support this. We appreciate your time. Man, I don't think I have ever been through anything quite like this, I know you haven't. I am getting paid for it so I guess I won't complain. My wife will complain. Thank you.

Jeff Valiant: So we need a motion.

Chris Wischer: Before you close the record I need to submit this flash drive of the Power Point.

Mike Winge: I am going to make a motion to close the hearing.

Morrie Doll: Record.

Mike Winge: Record, I am sorry.

Doris Horn: Second.

Jeff Valiant: Motion on the floor to close the record and a second. All in favor say “aye.”

All Board members voted for the motion.

Morrie Doll: So folks, that means no more evidence will be accepted in this application. From either side. Everybody understand? Okay.

Mike Winge: I am going to make a motion to table this decision until next months meeting.

Terry Dayvolt: Second.

Jeff Valiant: All in favor.

All Board members voted for the motion.

Doris Horn: I make a motion to adjourn.

Mike Winge: Second.

All Board members voted to adjourn.

Being no other business the meeting adjourned at 3:50 a.m.

Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held October 24, 2016.

Sherri Rector, Executive Director